

HOW WE ARE GOVERNED
IN ALABAMA
AND THE NATION

MCBAIN AND HILL



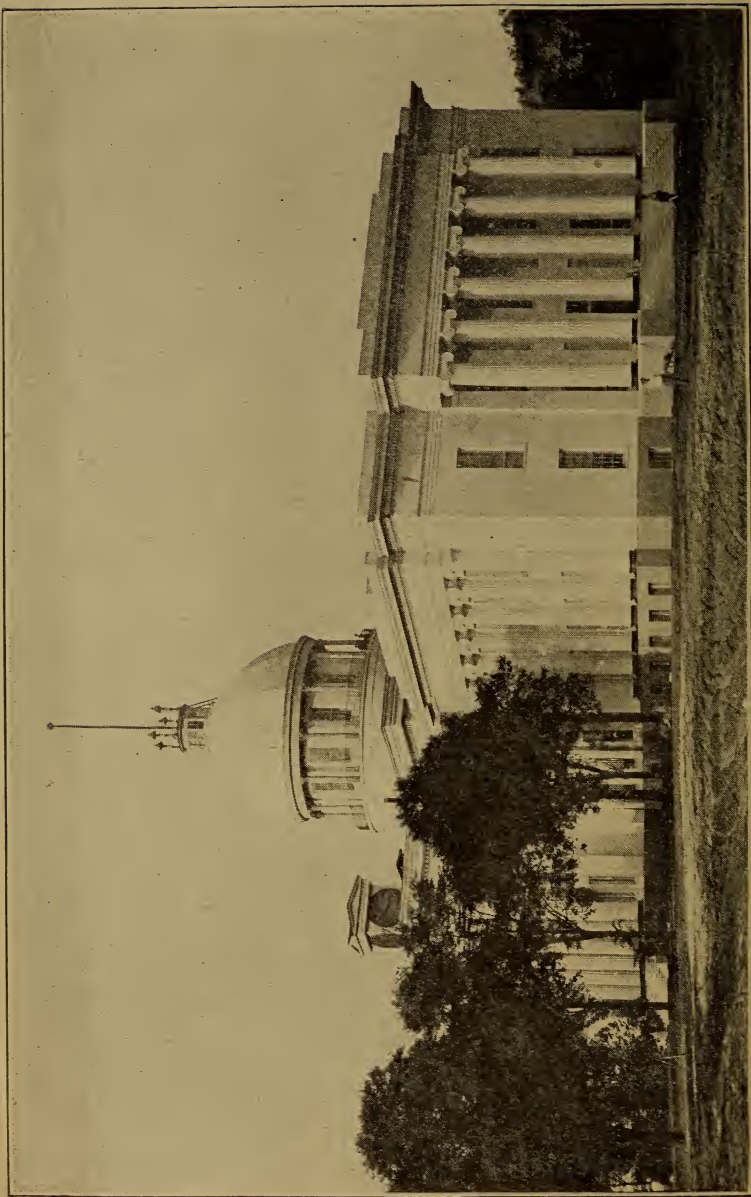


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THE CAPITOL OF ALABAMA

HOW WE ARE GOVERNED IN

ALABAMA AND THE NATION

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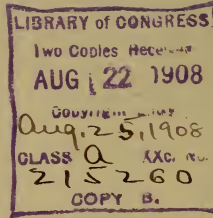
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PREFACE

This brief text-book on government has been prepared to meet the needs of the public school children of Alabama at the sixth and seventh years of their work. The plan and scope of the work, as well as the manner of presenting the subject, mark a wide departure from the time-worn methods of elementary text-books on so-called "civil government"—a departure which the authors believe to be instinct with the educational demands of the hour and with the vitality and importance of the study.

The general plan of the book rests upon a universally accredited principle of the science of teaching; it proceeds from the known to the unknown, from the near to the remote. For this reason, Part I of the book serves to introduce the pupil to some of the basal concepts of his own community life, leading him naturally to the study of local and central government in his own State. Part II deals with the government of the nation, emphasizing those national activities with which the pupil is more or less familiar, and explaining simply and clearly the delicate adjustment of relations between the government of his State and the government of his nation. In other words, the book attempts, as an introduction to the study of politics and government, to give the child an intelligent comprehension of the meaning of government and an understanding of how *he* is governed in *his own* State and nation. It is in no sense a sacrifice to an extreme States' rights idea; it is the application of a pedagogical principle that is at once all-comprehensive and fundamental. The authors are profoundly convinced that in the presentation of this

most important subject, the demand is insistent that we should in every case begin with the immediate community life of the child and from this work out to the larger concept of the nation.

In the manner of approaching the subject the authors have been moved by the further conviction that the elementary teaching of "civil government" will always be a bugbear and a failure unless its chief purpose is to relate the child in an intimate and personal way to the activities of government. To the pupil of less than high school age the powers and the functions of the State auditor or the organization of, and procedure in, the civil courts of the State are very dry subjects indeed, and very naturally so. But if he lives in a city, he probably takes a lively interest in the fire department, in the police, in the many things the city undertakes to do for the health of the community—things, such as a sewerage system, which he knows about but has perhaps never thought to ascribe to the government. Or if he lives in the country, he is doubtless vitally interested in what his county is doing to improve roads or to provide schools. It has been the conscious purpose of the authors in the first six chapters of this book to make the child above all else, *see* the government as a real, active thing about him, a thing of which he is a part.

It is only after the pupil's interest has been thoroughly aroused to note the many operations of the government that the effort is made to show him how the government of his State is supported, organized, and operated. This is done in as simple language as possible. The child mind is kept constantly in view, and emphasis is laid upon the actual operation of the machinery of government rather than upon elaborate details of its organization.

Obviously it is more difficult to infuse this same personal element into the child's study of the national government,

for most of its operations are outside the range of his observation. The subject has, however, been treated in as intimate a manner as possible; and at every step care has been taken to point out the paramount importance of the national activities and the reason why they are undertaken by the nation rather than the states.

The setting up of a definite relation between the child's life within the school and the political activities of community life about him is in harmony with the fundamental principles of modern educational aims. School life must more and more reflect and embody community life. And the authors believe that this is especially true in the teaching of government, if we are to instill any principles of good citizenship into the minds and hearts of that vast majority of our children who go out into life from the elementary school.

TO THE TEACHER

In presenting a "civil government" text drawn along such wholly new lines, a word of suggestion directed especially to the teacher may not be inappropriate. Teachers will probably agree that the subject is inherently difficult to teach in the grammar grades. But a subject is not usually difficult to teach if the pupil is interested. The arousing in the pupil's mind of a spirit of interested inquiry in the affairs of government is of far greater value to him than the knowledge of many unimportant details of governmental organization. Formal question-and-answer recitations should, therefore, be used sparingly. Informal and spontaneous discussions of the text and of the questions suggested will prove far more successful in the class-room. It is of transcending importance, however, that the teacher first of all be thoroughly familiar with the spirit, the purpose, and the scope of the work.

To each chapter are appended questions to be used for discussion in class. For the most part they aim to localize the text, to draw the pupil's attention to conditions in his own community and their bearing on what he has been reading, to create a spirit of inquiry and investigation. It may be impossible in some cases to answer these localized questions, but a question which cannot be answered, or which can be answered only partially, is not necessarily without value. It may create both interest and investigation. The teacher should encourage the pupils to study the questions and to gather all possible information in regard to them from their parents and others in the community who would be likely to know. The real essence of our teaching should be the creation of this interested attitude of mind toward things political.

The authors have not felt that it was either necessary or desirable to append to this work the text of the Alabama Constitution. Our State Constitution has become so detailed and complicated and has grown to such enormous length that for the purposes of an immature pupil it is of small value. For personal reference it would perhaps be well for the teacher to have a desk copy of the Constitution, which can be secured from the office of the Secretary of State at Montgomery.

HOWARD LEE MCBAIN
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PART I
HOW WE ARE GOVERNED
IN ALABAMA

REFERENCES FOR TEACHERS

It will probably be futile to expect the average pupil of the sixth or seventh grade to consult many works on politics and government outside of his classroom text. It is highly desirable, however, that teachers should expand their knowledge of this important subject; and fortunately many valuable works are easily obtainable at comparatively small cost.

Material for advanced study of the government of Alabama is for the most part inaccessible to the teacher. A copy of the *State Constitution* is, of course, indispensable. The *Register of Alabama*, published by the Department of Archives and History, contains the names of all the present State officials, members of the Legislature, and members of the various State boards and commissions. Copies can probably be had *gratis* upon application to the Department. The *Reports* of the Superintendent of Education, the Secretary of State, the Commissioner of Agriculture and Industries, the State Treasurer, and State Auditor will also be of invaluable assistance. They can usually be secured upon application to these several officers at Montgomery. Teachers of classes in city and town schools should provide themselves with a copy of their *city or town charter*, which can doubtless be had from the city or town clerk. The *Code of Alabama* (3 volumes), containing the acts of the Legislature, can be consulted in the office of any lawyer.

For the general study of local, State and national government in the United States, the following works are recommended:

ASHLEY, *American Federal State*. Macmillan Co., New York.
\$2.00.

BRYCE, *American Commonwealth* (abridged edition). Macmillan Co., New York. \$1.75.

DUNN, *The Community and the Citizen*. D. C. Heath & Co., Boston. \$0.75.

FISKE, *Civil Government*. Houghton Mifflin & Co., Boston. \$1.00.

HINSDALE, *American Government*. American Book Co., New York. \$1.25.

HART, *Actual Government*. Longmans, Green & Co., New York.
\$2.00.

WILLOUGHBY, *Rights and Duties of American Citizenship*. American Book Co., New York. \$1.00.

HOW WE ARE GOVERNED IN ALABAMA

CHAPTER I

WHAT WE MEAN BY LIFE IN A COMMUNITY

1. **What a community is.** Most of you have doubtless read the fascinating story of Robinson Crusoe. You remember how, after being shipwrecked, he was thrown upon a desert island, and there lived for a time separated from all other human beings. Most of you have heard, too, of hermits—those strange men who withdraw themselves from their fellowmen and live in loneliness and solitude. Moved by some odd fancy, they usually seek out a cave or a rude hut in the mountains, and there, far away from other people, spend their miserable lives.

How very different are the lives of most of us! We are so accustomed to having our family, our friends, and many other people about us that we can only with difficulty imagine how anybody could tolerate so lonely a life. People are usually found living together in groups; indeed this seems to be the natural way for them to live. Sometimes, as in a city, a great many people are crowded together in a comparatively small space. Sometimes we find them in small towns and villages. In Alabama, however, a majority of the people live on farms. Yet they are close enough to one another to enjoy life together and to have

many interests in common. They have, for instance, common churches, common schools, common stores, common post-offices.

Now this is what we mean when we say that people live in *communities*. A community is a group of people living more or less closely together and having certain common interests. It may be a village or a town, a county or a city.

2. Why people live in community groups. The world is probably not large enough for every one of us to live like a hermit, completely separated from everybody else. Even if it were, most of us would not care for such a life. We enjoy being with people. We love to associate with the members of our family, our friends, and acquaintances. This is one of the reasons, then, why we nearly always find people living in community groups. But it is not the only reason.

You doubtless recall what a hard time Robinson Crusoe found in providing himself with such simple necessities as food and fire and clothing. This was because he was living entirely alone.

Suppose whenever one of us needed a new coat it were necessary for us to raise and shear the sheep, prepare the wool, weave it into cloth, and then cut and make the coat. What an endless amount of trouble, and what a poor looking coat we should have when it was finished! As things are, one group of men raise the sheep, another group prepare and dye the wool, and still another group weave the wool into cloth. This cloth is carried to stores, where it is bought by tailors who make it into coats. When you or I desire a coat, we seldom think of sheep or wool or cloth. We go either to a tailor or to a shop where we can buy a

coat ready to be worn. Think how many different men have had a share in the making of the coat you wear.

You can readily see from this illustration that our wants can be supplied much more easily when we live near other people than they could if we lived alone. This, then, is another reason why we live in communities.

Have you ever stopped to think how many desires most of us have? All day long in one way or another we are busy satisfying our own desires, or else helping other people to satisfy theirs. Of course it is impossible for us to enumerate all the desires that any one person has; but there are a few which nearly everybody has. Let us see what some of these common desires are.

3. Our desire for life and health. To most of us life is the most precious thing that we possess. A man will sometimes sacrifice his life for his honor, or for his country's honor, or for some one whom he loves. In general, however, he will sacrifice other things to preserve his life. In many ways we seek to protect our lives. We must protect them, in the first place, against the violence of others, and in the second place, against dangers such as result from fires, from accidents on the railroad or on the water, and in cities from the dangers of the streets. It is necessary for us also to use the proper precautions against disease. This indicates another of our desires—the desire for good health, which is closely akin to the desire for life. Most of us want a sound body, not only because it promises to prolong life, but because a healthy body is essential to our general well-being and happiness.

4. Our desire for liberty. No man who lives in a community can enjoy liberty without restraint. Robinson Crusoe could, indeed, have yielded to the wildest desire that might cross his fancy. There was no one to prevent

his doing anything he wished. But the average man must live in his community with some regard to his fellowmen. He cannot wholly ignore the rights of others. By liberty in a community, therefore, we mean the freedom to do what we please so long as we do not come in conflict with the rights of other people. We are, of course, absolutely free to *think* what we please, but in our *actions* we must be considerate of others. Most of us are entirely willing, if it is necessary, to give up a part of our liberty of action in order that we may enjoy the other benefits of life in a community.

5. Our desire for wealth. It is natural for everybody to want to possess something. Boys and girls like to own things, and men and women enjoy no less the pleasure of possession. Lands, houses, implements, cattle, horses, furniture, clothes, books, money—all these are things which most of us desire to own. These we call *property*. Men seek to obtain property not only for the pleasure of possessing it but because of what it enables them to do. The ownership of property brings comforts and luxuries, and makes it possible also for a man to secure more property. It is this desire for wealth and property that causes men to seek employment—to become doctors, lawyers, farmers, manufacturers, shop-keepers.

6. Our desire for knowledge. Most of us crave to know things. This is an instinct that we have all noticed in very young children when they begin to ask questions and inquire into things. When they grow older they are sent to school in order that they may learn many things while they are young. But we want to know more than what we can get out of books. We are interested in learning what is going on both in our own community and in other communities. We need, therefore, newspapers, letters, telephones,



A CITY COMMUNITY

and telegrams. By these means we satisfy our desire to know what is going on in the world. And our desire for knowledge helps us to attain many other desires. It also helps the community in which we live, for we cannot imagine anything more pitiful than a community in which nobody has any education and nobody desires it.

7. Our desire for progress. Most men desire to see the community in which they live become progressive. Of course this desire for progress takes many forms; it would be impossible to mention all of them. The desire for education, of which we have just spoken, might be included as a part of our general desire for progress. The wish to see good roads, strong bridges, and efficient railroads in our community; if we live near the water, the wish to have harbors dredged, lighthouses built; if we live in a city, the wish to see beautiful buildings, gardens and parks, clean and well-paved streets—these are some of the evidences of our desire for community progress.

8. Our desire for happiness. All these other desires that we have been discussing combine to constitute what is our chief desire, next to the preservation of our life and health—the desire for happiness. It may not be possible for us to define what this desire for happiness is. It varies in different individuals. Some find happiness by pursuing almost exclusively one thing, as the desire for wealth, or for knowledge, or for science, or for art; but the majority of us find happiness by pursuing a combination of many desires.

9. The conflict of desires. When people live together in a community, it is very natural that their desires should sometimes conflict. In his desire for wealth a man may seize another's property, or he may commit acts injurious to the general health of the community, or offensive to

other people's ideas of cleanliness and beauty. For instance, a man may maintain a factory in a part of the community where the smoke is annoying; or the factory itself may endanger the lives or the health of operators by reason of unsanitary conditions. In his desire for unrestrained liberty a man may, in a passion, take the life of his fellowman, or burn his dwelling. Or again, in the pursuit of knowledge or science men may neglect their business and make debts which they are unable to pay.

It must be clear to you that in these cases the desire of one individual of the community conflicts with the rights or desires of other individuals. It is perhaps equally clear that there must be some means for preventing the rights of one man from being interfered with by the desires of another. There must be rules which the members of the community are forced to obey. There must be some peaceful way of settling disputes among them, and of securing justice to all. Not only that, but there ought also to be some means by which the members of a community are helped to attain various desires which they are unable to satisfy alone. They should be helped, for instance, in the protection of their lives and health, and in satisfying their desires for education and for progress.

10. What the government is. What is the means by which this harmony and assistance are secured? In the first place, there must be rules of conduct which the individual must obey—things that he must do and things that he must not do. For example, all communities command that each man shall respect the lives and property of every other man; and the community will punish any one who violates this command. These rules for the conduct of the people of the community we call *laws*.

In addition to the laws, there must be officers who make

the laws and others who see that they are enforced. For instance, in your own neighborhood there are perhaps a county commissioner, a sheriff, a constable, a justice of the peace. Or if you live in a city, there are a mayor, a city council, a body of police, and many other officers.

This body of laws and those who make and enforce them are what we generally mean when we speak of the *government*.

You must bear in mind that the government is established in order to help the people living in a community. Some people have the idea that the government deprives us of our liberty. We are perhaps inclined to feel this way when we come in contact with some particular law that prevents us from doing what we wish to do, or forces us to do what we dislike to do. There was a time, indeed, when the government did trample upon the people's liberty, and in some countries this is done even to-day. You will recall that the reason why our forefathers freed themselves from Great Britain was that the mother country tried to oppress the colonies and to interfere with what they regarded as their liberties. For the most part, however, it is the government that seeks to protect our liberties from being interfered with by others, as when the government arrests the thief who attempts to steal from us. The people of Alabama have declared that "the sole object . . . of government is to protect the citizen in the enjoyment of life, liberty, and property." Not only does the government protect our liberties, but it also undertakes, as we shall see, to assist us in reaching certain of our desires and to add to our general welfare and happiness.

11. Our method of study. In the next few chapters we shall see some of the things that the government in the

communities of Alabama does for us in the way of protecting our life and liberty, and helping us to attain certain of our desires. (Chapters II to VI.)

After we have seen something of what the government does for us, we shall then be able to understand more clearly how the government of our State is organized and operated, or in other words, how all these things are accomplished. (Chapters VII to XVI.)

When we have completed our study of the government of our State and of our own community, we shall learn that the government of our nation also undertakes to protect us and to assist us in many important ways. In Part II of our study, we shall learn of those things which our national government does for us, and we shall see how that government is organized and operated. (Chapters XVII to XXIV.)

QUESTIONS FOR CLASS DISCUSSION

To the Teacher. The questions appended to each chapter are for the purpose of drawing out the pupil's interest in activities of government with which he is more or less familiar. These activities are, of course, more prominent in city communities than they are in the rural districts. The teachers of rural schools should, therefore, explain many of the city activities referred to. The questions are intended to be suggestive, not exhaustive. Many others will doubtless present themselves to the teacher.

1. What sort of community do you live in—county, town, village, city? Find out, if you can, how many people live in your community. In your neighborhood are the houses close together or far apart? Think of some of the ways in which you associate with the people of your community—when and where, for instance, do you meet them?

2. What are some of the pleasures you enjoy now that you would not enjoy if you lived like a hermit?

3. If you lived absolutely alone, how would you get your food? Your clothing? Furniture? How would you protect yourself from

cold? What, then, are some of the advantages that you enjoy by living in a community?

4. What are some of the things that threaten people's lives in your community? Their health? Can you think of anything that is done to protect you from these dangers?

5. Mention some of the restrictions upon your liberty in the schoolroom—what are some of the things that you are not permitted to do? Explain how these things would interfere with the rights of others. Why are you forced to consider the rights of others? Why are they forced to consider your rights?

6. Mention some of the property that you possess in the schoolroom. How does this property help you? Mention some of the property owned by the school. How does this property assist you?

7. Is money property? Why? What business is your father engaged in? Why does he engage in business? Mention some of the property in your home. To whom does it belong? How was he enabled to get it?

8. Why do you attend school? What desire are you satisfying? Mention some of the ways by which you find out what is going on in the world.

9. Who makes the rules of your school? Who enforces them? Could you speak of the *government* of your school? What would you mean?

10. What do you mean by the government of a community? Why is it necessary? Mention all the laws of your community that you have ever heard of. Mention all the officers that you can think of.

CHAPTER II

WHAT THE GOVERNMENT DOES TO PROTECT OUR LIVES AND HEALTH

12. Our personal responsibility. We have seen that among all the desires that men usually have there is none more powerful than the desire for life. Now in most cases, as you all know, it is we ourselves who are personally responsible for the preservation of our own life and health. If we would keep our bodies in healthful condition, we must be mindful of the ordinary laws of health. We must take due precaution against disease. We must have plenty of fresh air and exercise. Moreover, we must refrain from recklessly running into dangers that we could avoid.

In the care of our health the family also is to some extent responsible. The home should be selected in a healthful location. It should be well ventilated, and the plumbing should be good. The housekeeper, too, should be careful of cleanliness. It is the duty of the family within their means to see that the home is maintained in such a manner as to insure the health of those who live in it.

In many cases, however, neither the individual nor the family can ward off the dangers which sometimes threaten life and health. It is here that the government steps in to assist us. Especially is this true in communities where a large number of people live together as they do in cities, for in such communities the dangers to life and health are far more numerous than they are in the country districts.

13. Protection of life against personal attacks. One person is sometimes attacked by another because of some personal grievance. The government of course makes such an attack unlawful and provides for the arrest and punishment of the offender. Special officers are appointed to protect the members of the community against such attacks upon their lives. In the counties we find constables and sheriffs, and in the cities there are police, whose duty it is not only to prevent such attacks whenever possible, but to seek out and arrest those who have been guilty of them. The government also makes it unlawful for one man to threaten the life of another even though he may not actually make an attack upon him.

Now you may ask: "How does this protect our lives? It rarely happens that an officer of the law is on hand to prevent an attack which is about to be made. May not a man's life be taken before the law can protect him?" You must remember, however, that in every case the one who breaks the law knows that in all probability he will be arrested and punished. It is the fear of this punishment that prevents him from any rashness to which his impulses or his violent temper may prompt him.

In spite of this fear of punishment for his misdeeds, a man fails sometimes to control his anger. He makes a sudden attack upon another individual who has offended him. There is no time or opportunity to call upon the police or the constable. The one who is attacked must act for himself. In such cases the law provides that the person attacked may defend himself. He may even take the life of the one who has attacked him if that becomes necessary in order to preserve his own life. He may afterwards be arrested and tried, under such circumstances, for having killed his fellowman, but if he is able to show that he was

compelled to do this in order to protect his own life, he is freed from all responsibility.

14. Protection of persons accused of crime. When an individual is arrested for an offense which he is supposed to have committed, it may not always be certain that he is actually guilty. The law assumes that every man is innocent until it has been proved that he is guilty. It requires also that the accused must be given a fair trial in accordance with the law; and the law lays down certain things which are necessary to make the trial a fair one. In the first place, the prisoner cannot be kept in jail indefinitely awaiting his trial. He has the right to demand that he be carried immediately before some officer of the law, and that he be shown the reason for his being kept in prison. If it appears that there is reasonable ground for suspecting him, he is then held until he can be brought forward for trial.

For all serious offenses, the person accused of crime enjoys what is ordinarily called the *right of trial by jury*. This is the right to have a number of his fellow citizens, usually twelve, determine whether he is or is not guilty of the offense of which he is accused. Those who are called to tell what they know about the circumstances of his case are known as *witnesses*. The law gives the prisoner the right to have these witnesses stand before him and tell what they know in his presence. He has the right also to bring witnesses of his own.

These are only a few of the many provisions which the law makes for the protection of the life and liberty of those unfortunate individuals who are accused of crime. But you can easily see how important they are. Without them cases would arise every day in which the innocent would be made to suffer unjustly.

15. Protection of life against accident: in the country. Many accidents happen to most of us in the course of a lifetime. For some of these we have to thank only our own carelessness. The government cannot usually be expected to protect us from accidents that result from run-aways, falling, and drowning. These are dangers from



THE BESSEMER VIADUCT

This viaduct was constructed in order to avoid accidents and delays at a dangerous railway crossing. By means of the **trestle** electric cars pass over the railway tracks in safety.

which we must protect ourselves. In some ways, however, the government does seek to protect us from accident. You of course know that it is the custom in your community for drivers to keep to the right of the road. You may not know, however, that the government actually re-

quires this by law in order that accidents may be prevented. Another protection which the government affords is that against railroads. To avoid collisions the government regulates the manner in which one railroad shall cross another. The railway companies are required to place signals where the tracks cross a country road and sometimes gates where they cross a city or village street. Sometimes the railroad is even compelled to fence its tracks. It is customary also to regulate the speed of trains when they pass points at which accidents are liable to occur. Moreover the government makes the railroads responsible for injuries done to employees. This is a most important protection, for railroads employ many hundreds of workmen, and the operations in which these workmen are engaged are necessarily of a dangerous character. Similar responsibility is placed upon other companies employing large numbers of workmen.

16. Protection of life against accident: on the water.

The government also makes many laws to protect the lives of those who spend much of their time upon the water. It regulates, for instance, the manner in which boats shall pass each other; it provides that they shall signal each other by whistling and requires that they shall carry certain lights at night. On the gulfcoast where there is danger of shipwreck, the government erects lighthouses to warn the seaman of his danger and provides life-saving stations, with crews of sturdy men ready at any time to assist vessels in distress.

17. Protection of life against accident: in the city. It is easy to see why the liability to accident should be much greater in the city than it is in the country. Where so many people are gathered together in one place, where the buildings are large and crowded close to one another,

where everybody must of necessity pass through the streets filled with rapidly moving street cars and vehicles of all kinds, it is natural enough that dangers of one kind or another should frequently arise. It is in the cities, therefore, that the government is forced to provide most often for our protection against accident.

One of the dangers which constantly threaten people living in cities is that which results from fires. The government seeks to lessen this danger by providing that large buildings shall have fire-escapes in order that the occupants of the building, in case of fire, may be able to reach the ground. In public buildings, like theatres, where large numbers of people come together, it is required that a sufficient number of exits shall be provided so that the people may quickly gain the streets in time of danger. In many places the children in school are required to practice fire drills, in order that, whenever it is necessary, they can be taken from the school building rapidly and without confusion.

Other protections, too, are given to buildings. Elevators are inspected to see that their machinery is in proper order. Inspectors are appointed to see that buildings being erected in the city are sufficiently well built to prevent collapses, such as have sometimes occurred.

In the streets the attempt is made to regulate the speed of street cars, automobiles, and horses, in order that accidents may be prevented. Excavations and obstructions, which are sometimes of necessity placed in the streets, have to be marked by lights at night. And not the least of the means employed by the government to prevent accident is the provision of lighting the streets at night by gas or electricity. Thus you see that in many, many ways the

government throws out its strong arms to protect us from accidents over which we ourselves could have no control.

In addition to all these precautions that are taken to prevent accidents, most large cities provide means for the



SAND ISLAND LIGHTHOUSE

This Lighthouse is situated near the shore of Sand Island on the western side of the entrance to Mobile Bay. The light can be seen many miles out in the Gulf of Mexico.

immediate treatment of those who are injured. Ambulances in charge of skilled surgeons stand ready to hasten to any part of the city where an accident has occurred. There is usually a public hospital also where sick and in-

jured persons who are unable to pay may receive treatment at the expense of the government.

18. Protection of the poor. In still another way does the government throw its protection around the life of the individual. When a man's health and strength have failed, when he is without friends or relatives to support him, he finds that the government has made provision for his care. Formerly this protection of the poor was given by the churches, which still do a great deal toward helping those unable to help themselves. In modern times, however, this has come to be considered as one of the duties of the government. We find poorhouses, therefore, in every county, and officers are appointed whose duty it is to see that these unfortunates in the community are provided for.

19. Protection of aged soldiers. In Alabama the government also provides for those soldiers who fought in the War between the States, and who, by reason of their disablement or their losses as a result of the war, are unable to care for themselves. These venerable men gave gladly of their youthful vigor and stood ready at a time of great need to sacrifice their lives in the service of their State. In many cases they lost their all in their country's cause. It is no more than right and just, therefore, that the government should provide for them during the last days of their lives. The government of Alabama makes provision also for the needy widows of soldiers and sailors who fought in the War between the States.

20. Protection of life in times of riot. Occasionally there arises in a community so serious a conflict of interests that the officers of the community are unable to preserve order. This frequently occurs during strikes, when some of the strikers and the rowdy element of the community

become a mob and attempt to prevent the ordinary conduct of business.

It sometimes happens, too, that the people of a community are incensed over some crime that has been committed. They gather together and desire to punish the supposed criminal themselves, without permitting him to be tried and punished by law. In such cases it often happens that the police, the constables, and the sheriff—the officers who ordinarily preserve order—are unable to handle the situation. Life and property may both be seriously endangered. There must be means for protection, and the government provides it through the *militia* of the State.

In theory the militia of the State is composed of all able-bodied men between the ages of eighteen and forty-five years. In truth, however, the militia consists of companies of men who volunteer for service in the various communities of the State. Together these companies form the *Alabama National Guard*. The Governor is commander-in-chief of the militia. He is empowered by law to call the troops out in emergencies of this kind in order to enforce the laws. It is in this way that the government safeguards the lives of the people in situations so dangerous that they cannot be dealt with by the local authorities.

21. Protection of our health. In case we are taken with serious illness it is necessary for us to have the proper medical treatment. You can readily see the dangers that would arise if any one who wanted to become a physician or a pharmacist were permitted to do so. Ignorant men, claiming to be physicians, would be constantly prescribing for those who were in need of trained assistance. Deaths without number would result. In order to provide against such a miserable state of affairs, the government prescribes that before a man can practice medicine he must

pass certain examinations to prove his knowledge and ability.

In another respect the government has found it necessary to interfere in behalf of our health. Laws are made to protect us against unwholesome food being offered for sale. When foodstuffs are shipped in large quantities, the shippers cannot always be depended upon to consider the health of those who eat their products. Vegetables and meats often become stale and unwholesome before they are sold. Milk is often tampered with, chemicals being added to preserve it from souring. The health of the community is seriously endangered by such inconsiderate acts, for we ourselves are often unable to detect the unwholesomeness of the food we are eating. The government steps in to help us by appointing officers whose duty it is to inspect various food-products that are offered to the people of city communities.

Most of our canned meats are shipped from Chicago and the middle West. Recent investigations showed that the great packing-houses having in charge the preparation of these meats had been very careless in regard to cleanliness and other protections which should have been used to prevent disease. Our national government at Washington took the matter up, believing that it was something that concerned the whole nation. A law was passed providing for government inspectors for the packing-houses, and no canned meats can be sold to-day unless labeled by these inspectors.

22. Protection of health in towns and cities. Just as densely settled communities increase the liability to accident, so they increase also the danger to the health of those who live in them. In towns and cities, therefore, it becomes the duty of the government to make special provisions for the proper protection of the health of the community. Streets must be kept clean. Dirt, refuse, and

garbage must be carted away from the homes of the community. Contagious diseases in these communities would naturally spread rapidly from one person to another if the government did not exercise prompt control over the homes of those who are so unfortunate as to contract such diseases. They must be rigidly quarantined—that is, well



A CITY DUMP

Where ashes and dry refuse from city homes are dumped on the outskirts of the city. Garbage is usually burned.

persons must be prevented from entering the house while the disease lasts. When the sickness is ended, the government requires that the premises shall be thoroughly disinfected. In cases of malignant diseases, like small-pox, the sick person is often taken to a hospital provided for that purpose. The requirement that school children shall be vaccinated is another precaution that is sometimes taken to prevent the spreading of disease.

23. Dangers to health in drinking water. In modern times many diseases have been traced to impure drinking water. In the erection of buildings in his barnyard the farmer is not always careful to protect his well from impurities. Sometimes the stable-barn is built on high ground and the well is sunk in lower ground. The result is that the filth and refuse from the stable drain toward the well; its water becomes affected with unwholesome germs, and diseases are spread. Too much care cannot be taken in choosing the site for a well.

In cities the old method of securing drinking water from ordinary wells has long since been abolished. It was impossible for each of the many hundreds of houses to have its own well; besides, it was too inconvenient. In some of the larger cities of Alabama the government has undertaken to supply the community with water through pipes and mains laid beneath the streets. In others the government permits private companies to use the streets for this purpose. Particular care has to be taken in choosing a pure source from which the drinking water is to be supplied. The water supplied to the inhabitants of Birmingham is secured from the Cahaba River and is purified by being pumped through filters. The reservoirs at Montgomery and certain other cities of the State are supplied with water from artesian wells. These cities rank among the foremost in the United States in the purity of their water supply.

24. Protection of health against the saloon. The use of intoxicating liquors is today recognized to be dangerous to the health of those who use them to excess. Moreover, saloons are hurtful to the morals of a community. So peculiar a vice is the liquor habit that in many instances the individual cannot be trusted to regulate it. In

communities where saloons exist, it is always the case that many homes are filled with poverty and suffering and many innocent lives are ruined because men cannot control their desire for strong drink.

For a long time the government has realized this and has undertaken, in the interest of the health and morals of the community, to control the sale of liquors to some extent. For many years taxes have been placed upon the manufacture of liquor, and those who retailed it have been



CAHABA FILTER PLANT

Where the water from the Cahaba River is filtered before being distributed to the homes of the city of Birmingham.

required to pay large fees to the government. This made the liquor expensive and in consequence somewhat lessened the sale of it. These regulations, however, and others of a less important character did not prove sufficient to stamp out the evil. The government of Alabama then determined to use severer measures. It gave the power to each county of the State to decide by a vote of the people whether liquors should be sold within the limits of the

county. Under the law which gave them this power a vast majority of the counties of the State "went dry," as we commonly say—that is, they voted to abolish saloons and prohibit the sale of liquors. As a final step in this movement to free the communities of the State from the evil effects of the saloon, a law has been passed entirely prohibiting the sale of liquors in the State of Alabama after January 1, 1909.

Alabama is not alone among the States of the Union in this movement against the saloon. Other States have passed similar laws, and still others will follow. There is a general feeling among the people in all parts of the country, and especially in the South, that the health, the morals, and the prosperity of the country can be protected against the evils of drink only by abolishing the saloon entirely.

25. Summary. We thus see in how many ways the government is daily protecting our lives and health. Many of these things we have scarcely thought to ascribe to the government. We are so used to them that we do not think much about them. We do not often stop to consider, for instance, when we go into an elevator or a theater, that the government has afforded us a certain degree of protection against accident. When we see the street cleaners busy about us, and the lamp lighters going their rounds at twilight, it does not often occur to us that they are furnishing us with protection. As we sit down to our tables we do not frequently remember that much of the food before us has been inspected by government officers in order that its wholesomeness may be assured. These are only a few instances, as we have seen, in which we are shielded by the government from many attacks that might otherwise be made upon our lives and health.

QUESTIONS FOR CLASS DISCUSSION

1. What means, if any, are provided in your school for the protection of the lives of the teachers and pupils? Are there fire-escapes? Are there broad staircases? Are there sufficient exits? Do you have fire drills?

2. What means are provided for the protection of health? How is your schoolroom ventilated, and why? How is it heated? Is it well lighted? Do the school authorities require you to be vaccinated? Where does your drinking water come from? When are children prevented from attending school on account of disease? Who prevents them, and why?

3. If you live near a railroad, do you know of any precautions that are taken to prevent accidents? If you live near the water, what precautions do you know of there?

4. If you live in a city, do you know of any precautions that are taken to prevent accidents by fire in public buildings? To prevent accidents in the streets? How are your city streets lighted, and why? Who owns the lighting plant?

5. Find out what provision is made in your community for the care of the poor. Who supports the poorhouse?

6. Is there a militia company organized in your community? Do you know of any time that it has been called into active service? If so, when and why? Do you know any of its officers?

7. Suppose a man commits a crime in your community, who would ordinarily arrest him? Where would he be taken? What rights would he have? Would he have to prove his innocence?

8. Have you ever noticed an inspector's label on canned meats? Is milk inspected in your city? Are meats and vegetables inspected?

9. What measures does your city take to make the community more healthful? Is there a sewerage system? Are the streets kept clean? Are contagious diseases quarantined? What about the drinking water? The garbage?

10. Are there any saloons in your community? If not, when were they abolished? Did the people of your community vote them out, or were they abolished by the State law?

11. Who is responsible for all these protections of life and health? Could you as an individual protect yourself in these things without the assistance of the government?

CHAPTER III

WHAT THE GOVERNMENT DOES TO PROTECT OUR PROPERTY

26. The ownership of property. When we were discussing the individual's desire for wealth, we saw that wealth consists largely in things we call property. (See page 16.) Some of this property we use simply to satisfy our needs and comforts. A large part of it we use in business enterprises in order that we may get together more property and thus increase our wealth. In all civilized communities people enjoy the right of owning property.

In early history when people lived in tribes, as the American Indians once lived, they moved about from place to place without having any definite homes. Under such conditions it was impossible for them to own much property. They did not value the land because they did not know how to till the soil and raise crops. They secured food by hunting and fishing. In later times tribes began to settle on some particular tract of land, which was owned in common by the whole people of the tribal community. The different crops they raised were put together and were then distributed among the members of the tribe in accordance with their needs. The farm lands in Russia today are held in this manner by the whole people of a village.

In most civilized countries in modern times the land is held by the individual members of the community and not by the community as a whole. This results in many advantages, for each individual who owns a portion of the land feels a personal attachment to the community. He takes an interest in its welfare because his own life is bound so

closely to the life of the community. Communities, therefore, become more permanent in their character. It is for this reason that the government not only recognizes the right of the individual to own land but even encourages him by protecting him in his possession.

27. Our duty to protect our own property. It is our duty both to ourselves and to our community to protect the



THE POLICE FORCE OF AN ALABAMA CITY

property we possess. This we can do by carefully attending to our own business affairs, and sometimes by personally defending our property from attacks made upon it by others. It is clear, however, that we cannot always do this. We may lack the power or influence necessary to maintain our rights. In such instances it becomes necessary for the government to step in and protect us. The means by which the government does this constitute a very complicated system of laws framed in order to meet every

possible conflict that might arise between individuals. This is a subject proper for the study only of lawyers and judges. It is easy for us, however, to see many of the simpler ways in which the government protects us in the property we possess.

28. Protection of property against robbery. There are unfortunately in every community a few people of bad moral character who have no regard for the property rights of their fellowmen. They desire wealth for themselves, and not being able or willing to secure it by honest means, they try to steal property that belongs to some one else. Just as it is the duty of constables and police to protect the lives of the members of a community, so it is also their duty to protect property from thieves. In cities police patrol the streets constantly, in order to fulfill both of these duties. The lighting of the streets by night, which we saw was a protection to the lives of citizens, serves also to assist the police in the prevention of robberies that might otherwise be committed in the darkness.

In spite of this constant watchfulness on the part of officers of the government, property is sometimes taken. The government then puts forth every effort to seek out the guilty party and arrest him. You must not think that thefts are confined to the lower element of people living in the community. Sometimes men in high positions of trust, as for instance officers of a bank, yield to the temptation to steal the money which they have in their care. These men are no better than the worst of common thieves; in fact their guilt is even greater because they have usually had better opportunities and better training than the ordinary criminal.

29. Protection of property against fire. It is impossible for the individual members of a community to protect their

property in any sure manner from destruction by fire. They must, of course, use due precaution to prevent the starting of fires. Something, too, they can do when buildings are being erected, for many fires are caused by reason of the poor construction of buildings. It is usual for the government, however, to undertake to protect property against loss by fire. This is naturally impossible in country districts where the houses are widely separated. It is only in towns and cities that the government can accomplish anything in this direction.

In small towns and villages there is generally a volunteer force of firemen. Sometimes the only equipment they have is a number of water buckets which have to be passed from hand to hand along a file of men.

In the larger cities there are regularly organized fire departments with fire engines, hose, and hook-and-ladder wagons, ready at a moment's call to hasten to any part of the city where a fire has started and property is threatened. At various points in the city are placed call boxes, from which an alarm can be sent over the electric wire to the central office of the department. Each box has its number, and bells, ringing the number of the box, indicate in what part of the city the fire is located. On frequent corners there are plugs to which the hose can be attached, and from which an abundant supply of water is secured through mains and pipes laid beneath the streets. Strong and courageous men, regularly employed for this purpose, hurry to the scene of the fire. These firemen are often called upon to risk their own lives in the rescue of people from a burning building, or in preventing the spread of the fire. The police also are called upon to assist at fires by keeping back the

crowds which gather and by preventing reckless people from endangering their lives.

30. Protection of landed property. Disputes frequently arise over the question as to who is the rightful owner of a piece of land. If the government did not provide some means for protecting landowners, these disputes would be much more frequent than they are. In Alabama every



ENGINES AT WORK AT A LARGE CITY FIRE

piece of land owned by an individual may be registered at an office called the *probate court* provided by the government in each county. Whenever such a piece of property is transferred from one person to another, either by sale or by gift, the transfer should be recorded. Usually a lawyer is employed in such cases to look up the whole history of the piece of land and to trace its numerous transfers. The owner then feels secure in his possession, for no one else will ever be able to claim the prop-

erty by reason of its having been improperly transferred. This is called securing a *clear title* to the property.

31. Protection of homes. Sometimes a man is very unfortunate in his business. He may make serious mistakes, or by poor investments he may lose a great deal of money. As a result he finds himself heavily burdened with debts that he is unable to pay. His creditors begin to press him for settlement, and he stands in danger of having everything he possesses sold at auction, and himself and his family left in abject poverty. The government realizes that many men are brought to this position through no direct fault of their own. It realizes, too, that if the man is made a pauper, especially if he is advanced in years, it will be impossible for him to recover himself. The government therefore provides that eighty acres of land in the country or property in a city, town, or village not exceeding \$2,000 in value shall be reserved to him. This protection is known as the *homestead exemption*.

32. Government control over property. In general we may do what we please with our property so long as we do not interfere with the rights of other people. In case our property is a piece of land, we may erect buildings on it; or we may dig beneath it; and if we find minerals, or coal, or oil, these things belong to us. When the interests of the community, however, conflict with our own desires, the government places certain restrictions upon us in the use of our land. In country districts, for instance, the government usually requires that pastures shall be fenced in, in order that cattle may not stray around and injure other people's property. If the owner of a farm finds stray cattle injuring his crops, he has no right to destroy the cattle unless his farm is inclosed with a certain kind of fence prescribed by the government.

In towns and cities various restrictions are placed upon the use of property. The government may determine the height of a building, or it may prevent a wooden structure from being placed in the heart of the city. It will not permit the owner of a piece of property to use his property for carrying on any business that would endanger the lives and property of others or be a nuisance to his neighbors. It usually requires the property owner also to keep the sidewalks bordering his property free from obstructions.

In some cases the government may even take our property entirely from us. It may seem advisable, for instance, to open a road or street through the property we own; or the government may desire to construct a park, or put up a school or other public building on our property. Frequently the owner is willing to sell such property to the government for a reasonable amount. But in many cases terms cannot be agreed upon, or the owner may not wish to sell at any price. The government thereupon takes the property away from him. The law provides, however, that in no case shall this be done without just compensation being paid to the individual for his loss. This power of the government to take a man's property from him is called the power of *eminent domain*.

The government usually confers this power upon railroads. It is absolutely necessary that railroads should be given the right of way over all property. While the individual whose property the railroad takes should be fully paid, he must nevertheless be prevented from charging an unreasonable price for it.

In one other important instance the government takes the individual's property from him—and that, without any *direct* compensation in money. This, however, brings up

the whole question of taxation, a subject which will be reserved for a later chapter. (See chapter VII.)

33. Property owned by the government. In every community the government owns some of the property. Rivers, most of the roads, and many of the bridges are the property only of the government. In cities the government owns the streets, alleys, and parks—those portions of the property that are used by all the members of the community in common. The government must own public buildings also, such as the State Capitol at Montgomery, the county court-houses, city and town halls, public schools, public libraries, post-offices, prisons, and poorhouses.

34. Summary. We have discussed here only in brief outline what the government does to protect us in the possession of our property. As we stated in the beginning, the whole system of governmental protection of property is very complicated. Now it may seem to you from what has been said that the government undertakes in many instances to interfere with us in the use of our property. There are restrictions in regard to this, and restrictions in regard to that. In every instance, however, where the government has seen fit to control us in the enjoyment of our property, it is because the interests of the community have demanded it.

QUESTIONS FOR CLASS DISCUSSION

1. What do we mean by property? What property do you use in school? What part of it belongs to you? What part belongs to the school? Who supplies this school property? Are you protected in the possession of your books and pencils? Who protects you?

2. Tell what you know of the life of the American Indians in early times. What kind of property did they have? Why did they not own land?

3. Who owns the land in your community? How may one man transfer a piece of land to another? In case of dispute over the ownership of a piece of land, who settles it?

4. What means does your community afford for protection against burglaries? Who arrests the burglar and what is done with him? Why do police patrol the city streets? Why are streets lighted?

5. Find out what you can about the fire department in your community. What is its purpose? Who supports it? Have you ever seen a large fire? How is an alarm turned in? Explain how the department operates. Why are there no fire departments in the country districts?

6. What property does the government own in your community? How did the government get it? Why is this property owned by the government?

7. Do you ever remember a road or street being opened in your community across some man's property? Or do you ever remember a schoolhouse or other public building being built on some man's property? If you do not know of any such instance, perhaps your parents or teacher can tell you of one. Who opened this road or street? Or who built this building? How did the government get the property? Was the former owner justly paid? What is this power of the government to take property called?

CHAPTER IV

HOW OUR LIBERTY IS PROTECTED

35. What liberty in a community means. When in the first chapter we were discussing our desire for liberty (see page 11), we saw that liberty in a community does not mean the right to do anything we please. The rights of others must be considered. If everybody were free to do what he liked at any time, there would be no law and order, no peace and safety, no protection for our lives and property.

Now it may seem to you that the government, with all its laws and regulations and its officers appointed to carry them out, really deprives us of our liberty in many ways. This is quite true. But suppose the government did not exist. It is easy to see that the most powerful man would exercise his liberty without regard to those about him, especially if he happened to be a man of evil character. It is necessary for us to have laws and government in order to prevent the strong from oppressing the weak. It is thus by restricting the liberty of everybody to some extent that the liberty of all is secured.

36. How the government itself is restricted. You must not think, however, that the government can in every case make whatever laws it pleases. It cannot always pass laws that place restrictions upon our liberties. The people of Alabama, like the people in all the States of the Union, lay down certain limits in which the government may act. They determine what powers the government may exercise

and prescribe certain things which the *government itself may not do*.¹ We saw, for example, that the government may not in any case take our property by its right of eminent domain without paying us a just amount for it. Again, when we were discussing the case of a man brought to trial for his life, we saw that there are certain rights which the government has to respect. It has to give him a trial by jury and an opportunity to defend himself in a fair and open court. More often, however, it is not a man's life which is at stake in such a trial but his liberty. He is in danger of being thrown into prison for the offense of which he is accused. In such cases the prisoner usually has the same rights that he would have if he were on trial for his life. In many other ways too the people place restrictions upon the powers of the government so that it may not be able to interfere with the individual's liberty.

37. Protection of our freedom of speech. In some countries today, as for instance in Russia, people have to be very careful what they say about the government. Newspapers are prohibited from publishing articles criticising the government; an officer called a censor is appointed to examine every article of news that they propose to publish. The object of this is to keep the people ignorant of what the government is doing. Even in countries much better governed than Russia, as for instance in Germany, the individual has to be very careful what he says about the sovereign. In Alabama, however, and indeed throughout the United States, there is no suppression of news in re-

¹This is accomplished by what is known as a Constitution. The Constitution is drawn up by representatives chosen by the people. It limits the powers of the government to interfere with certain of our liberties, and the government itself has no power to change the Constitution. See chapter VIII.

gard to the government. Anybody may say what he pleases about the affairs of the government.

Why is such liberty permitted in America? It is because we believe that the more the people know about the government the better government we shall have. It is necessary, therefore, that the people be permitted to discuss the actions of the government very freely. Sometimes bad officers get control of the government. It is right that the people should know of this. On the other hand, good officers and good laws are sometimes condemned, and the liberty that we as a people enjoy in this respect is abused. This is, of course, unfortunate. But even though this liberty of speech is sometimes abused, it would be far worse if we were kept in ignorance of what the officers of the government are doing.

During the second administration of President Washington and the administration of his successor, John Adams, the newspapers of the country became very violent and abusive in their attacks upon the national government. Congress sought to put a stop to this annoyance. They passed a law for the punishment of those who published scandalous articles about the government. This was regarded at the time as a serious interference with the liberty of the people. It was questionable whether Congress had the power to pass such an act. Both James Madison and Thomas Jefferson, in the famous Virginia and Kentucky Resolutions, expressed their hearty disapproval. The law remained in force only three years, and no attempt has ever since been made by the national government to pass a law restricting the freedom of speech.

While we are secure in our right to discuss the government whenever we please, we may not, however, say whatever we choose about our fellowmen. Suppose one man could say whatever he desired about another without any fear of punishment. It would often happen that stories would be told and published that would seriously hurt an innocent man's reputation or business. Indeed this is

sometimes done. Whenever a person can prove in court that he has been slandered by another, the law provides that his slanderer shall pay him a sum of money equal to the loss that he has sustained. This, of course, is not always sufficient to protect him, for it is difficult to measure a man's reputation in money. It is sufficient, however, in many cases to prevent men from making malicious attacks upon the personal character of others.

38. Protection of our freedom of religion. Several centuries ago, in England and in other countries, people held such strong opinions about religious matters that those who controlled the government would often persecute those who held beliefs different from their own. You recall that the Puritans left England and Holland and established themselves in New England in order that they might worship God as they chose.

Even after religious persecutions had generally ceased among civilized people, the governments of most countries continued to prescribe a certain religion which was known as the "state religion." No one could vote or hold office who was not a member of the so-called "established church"—that is, the church established and supported by the government. This state of affairs continues today in some countries. In others, as for example in England, while all such restrictions upon office holding and voting have been removed, the church is still supported by the government. People, however, are free to worship at any church they choose.

In this day and generation we can scarcely understand how disagreeable it was to have the government impose one particular church upon all the people. We are accustomed to living in communities where every man is permitted to worship wherever he chooses and according to

any form that he desires. Nor is any man today required by law to contribute to the support of any church. From the beginning of her history as a State the people of Alabama have prohibited the government from ever establishing any particular church.

39. Protection of our personal freedom. So long as we obey the laws of the community in which we live, we cannot be restrained in our freedom to do as we please. We may move about freely from place to place. We cannot be forced to remain in any one community, nor can we be compelled to render service to any other person. Of course it is the duty of a man who is at the head of a family to provide support for his family, and this frequently requires him to render service to other people for which he is paid. This, however, does not bind one man to serve another. Children, too, are not wholly free from restraint. They are naturally under the protection of their parents, and their freedom is in that respect very properly denied to them.

Before the War between the States, almost the entire negro population of Alabama, in common with the negroes of the rest of the South, was held in slavery. Slaves were bought and sold; indeed they were exchanged very much like other property. Although they were in most cases treated kindly by their masters, they did not enjoy any degree of personal freedom. They were compelled to do just what their owners required of them. As a result of the war, however, the negroes were made free, and today they enjoy the same amount of personal freedom that is permitted to the white population. It is now a general principle of government throughout the United States that no man is to be deprived of his liberty to do as he pleases so long as he obeys the laws of his community.

40. Summary. You will perhaps understand more fully now what we mean when we speak of our liberty in the community. It is true that the laws which the government makes require many things of us and prevent us from doing others; but as we have seen, this is necessary to protect the rights and liberties of all. You must bear in mind, too, that the government itself is controlled by the people. It cannot deprive us of certain of our fundamental liberties.

QUESTIONS FOR CLASS DISCUSSION

1. What are some of the rules of your school that restrict your liberty? Why, for instance, are you not allowed to talk whenever you choose, or to move about as you choose, or to make disturbances? How would these things conflict with the rights of others? Explain, then, what liberty in the schoolroom means.

2. How is your liberty in the family restricted? Who makes the rules which you must obey in the home? Why are they made?

3. Compare the restrictions upon your liberty in the school and in the family with the restrictions which the government places upon the liberties of people living in the community. Why are these latter restrictions necessary? What, then, do we mean by liberty in a community?

4. Can the government restrict the liberty of the people to any extent it chooses? Can the government, for instance, prohibit freedom of speech? What do we mean by freedom of speech? Can one man say or print anything he chooses about another without fear of punishment?

5. Does the government prescribe what church you shall attend? Could it do so if it wished? Why? Did the government of Alabama ever make such laws? What is meant by an "established church?"

6. Could the government arrest you and throw you into prison without any cause? Suppose you were suspected of having committed a crime, could you be arrested? What rights would you have? Would the government have to prove you guilty?

7. Have the people of Alabama the right to talk freely about the government? What good results from this? What evil sometimes results? What liberties do all of us enjoy?

CHAPTER V

WHAT THE GOVERNMENT DOES TO HELP US IN OUR DESIRE FOR KNOWLEDGE

41. Why the government promotes education. Many of our histories record the famous remark made by Governor Berkeley, of Virginia, in his report to the Commissioners of the Colonies in 1671. "I thank God," he said, "there are no free schools or printing presses, and I hope we shall not have any these hundred years." We of this day can scarcely understand what could have prompted such a remark as this. It seems almost as if our whole lives were centered around our schools and printing presses. What could Governor Berkeley have meant? His declaration certainly had a deeper meaning than we may at first believe. It is a well known fact of history that people can be held under a tyrannical government only by being kept ignorant, and this was exactly what Governor Berkeley had in mind. He realized very fully that as soon as the common people began to think for themselves, there would no longer be any possibility of the government oppressing them. They would rise up and demand those rights which they had come to understand through education. As soon as people begin to learn things, as soon as they begin to read and write, they begin to feel their power, and they immediately want to govern themselves.

It is just as true, however, that we as a people are not capable of governing ourselves unless our minds have been trained, unless we have studied earnestly, unless we are in-

telligent and well read. This is one of the reasons why in the United States every State undertakes to provide schools for the people. The establishment of schools is the chief way in which the government can promote knowledge among a people and make them better citizens. Nearly everybody now admits that in a democracy—that is, a community in which the people govern themselves—the government must provide means for the education of every child, rich or poor, white or colored.

42. The history of public education in Alabama. Except in Mobile County, no attempt was made to establish a system of public schools in Alabama until the year 1854. In that year the government determined to undertake the establishment of free schools throughout the State. Naturally the work proceeded very slowly, for there was a great deal to be done, and a large amount of money was necessary. Moreover, there was in Alabama at that time much opposition to public education. Many people felt that every man should pay for the education of his own children just as he pays for their food and clothing. And even many of those who were too poor to do this were too proud to accept the assistance of the government. They looked upon public schools as a charity.

In spite of the largeness of the task which the government faced, and in spite of the opposition which the schools met, some progress was made during the years that followed. Then came the terrible War between the States, and much that had been done was undone. Moreover, during the reconstruction days, the schools fell into the hands of scheming politicians, who cared less for promoting public education than for filling their own pockets with the people's money. By 1875 our State was beginning to recover from the effects of the war. The days

of reconstruction were coming to a close. More money was becoming available for public schools. In that year the school system of the State was completely reorganized; and from that time to the present day the work of providing more and better schools has gone steadily on. Indeed it may be said that our present system of schools dates from the year 1875.¹

It has often been remarked that the Northern States were far in advance of the Southern States in establishing public schools. The Governor of Connecticut, at the same time that Governor Berkeley made his outrageous remark about free schools and printing presses, wrote to the Commissioners saying: "One-fourth of the annual revenue of the colony is laid out in maintaining free schools for the education of our children." This certainly showed a marked difference in the attitude of the two sections toward education—a difference which lasted in general until after the War between the States. Why was it that Alabama and the rest of the South were so long in establishing public schools? There were several very good reasons.

In the first place, Alabama, like the other States of the South, was settled in large plantations widely scattered over the State. The people of the country districts, therefore, lived far apart from one another. Even had the

¹No marked change was made in the government of the public schools between 1875 and 1903. During this period of time, the schools of each township, covering an area of six miles square, were grouped together under one management; and the school funds of the State were distributed to the townships. In 1903 all this was changed. The schools of each county are now grouped together under one management, and State funds are distributed to the counties. Every county is divided into a number of school districts, and the schools of the entire county are controlled by the *county board of education*.

government in early times attempted to establish schools, it would have been almost impossible for the children in the outlying districts to have attended them.



MAIN BUILDING OF THE ALABAMA POLYTECHNIC INSTITUTE
AUBURN, ALABAMA

Moreover, there was in Alabama a large population of negro slaves. This fact caused society to be divided into three classes. There was first a wealthy class of land-owners and slave-owners, together with the professional

men of the State. Next there was a class of poor white people consisting of mechanics, artisans, and laborers, who were despised by the negroes. And lastly there was the slave population. Now the government of Alabama was almost exclusively in the hands of the upper class. The people of this class had money and the opportunity to provide education for their children by other means than at the public expense. They did not see the necessity, therefore, for general public education in order that all the people might share in the government.

In New England, however, where public education first flourished, conditions were very different. The people settled in towns and on small farms. They were all close together, and it was easy for the children to get to a school if it was provided for them. There were few negro slaves in these communities, society was not divided into classes, and nearly everybody took some part in the popular government. Under such conditions it was natural that each of these town communities should establish a school for all the children. You can readily understand, therefore, why public education developed early in New England, and why it failed to develop in Alabama and the rest of the South.

43. How the family should help to promote knowledge. There are many ways in which the family can and ought to assist in educating its members whenever it can afford to do so. There ought to be newspapers, magazines, and books in every household, and the children should be encouraged in the reading of good literature. Sometimes the wealthier families in a community employ special teachers for their children. Sometimes they pay for their education at private schools and colleges. It is very clear, however, that if this were the only means afforded for the education

of children, the result would be that only the well-to-do families would be educated. It is equally clear that if every child in the community is to have the opportunity of an education, the community must provide the schools.

Perhaps the foremost duty of the family is to see that children are sent to school. Parents sometimes fail to realize their own responsibility. The government indeed provides the schools, but it is the duty of parents to see that their children take advantage of every opportunity for education that is within their reach.

44. What the government of Alabama is doing for education. Those who have in charge the direction of public education in Alabama have said that their present aim is to place within reach of every child in the State a well equipped graded school for nine months in the year, and to establish in each county at least one high school. But the government has to face many difficulties in accomplishing this high purpose. In the first place, the necessary money is not always easy to secure. Sometimes communities are very poor. They object to giving a great deal of money for the establishment and support of schools. There are many people also who do not realize in its fullest sense the need of general education. They prefer to have the government spend its money for good roads or some other purpose. And even when schools are established, they prevent their children from attending them because they need them to work at home, in the factory, or on the farm.

Another difficulty which the government has to face in the building up of a system of schools is caused by the fact that our population is divided into two races. There must be separate schools for each race, and the expense is in consequence often doubled. All the children of school age

in a given community may not be more than fifty, but if twenty-five of these are colored children, there must be two schools.

The government, however, has accomplished a great deal in the way of overcoming these obstacles. While the State government recognizes that it must do a great



UNIVERSITY OF ALABAMA

deal for the building up of the school system, nevertheless a large responsibility rests also upon each county and city. The State government appropriates a large part of the money necessary for the maintenance of schools in each community; but the counties should, and many of them do, add to the State funds for the support of the schools.

School buildings, moreover, must be erected largely by local subscription. In many cases it would be a great improvement if the money at hand were spent in maintaining larger and better equipped schools rather than in the support of a great many poor schools. (See pages 93, 94.)

The government is encouraging the formation of school improvement associations in each community. The object of these associations is to arouse interest in public education and to exert their influence for the improvement of school conditions. There is also in Alabama a journal devoted entirely to the interests of education. To this journal the government lends its encouragement.

In the provision that is made for agricultural education in our State, Alabama stands foremost among the States of the Union. For many years there have been established in various parts of the State nine agricultural high schools.¹ These schools, in addition to the regular high school branches, provide for the teaching of scientific farming, gardening, and flower cultivation. An experiment farm is conducted in connection with each school. You must remember that a vast majority of the people of Alabama live on farms. It is of great importance, therefore, that the boys and girls of the State should have this splendid opportunity for agricultural instruction.

More recently our State government has made provision for the maintenance of a well equipped high school in each county, in addition to those schools in which the high school branches are now taught. These schools are being established first of all in those counties in which there is at present no State educational institution.

It is evident that the government of Alabama is doing

¹One school is established in each congressional district.

everything within its power to furnish the children of the State with excellent educational opportunities.

45. Education in cities. Cities usually provide better equipped schools than the country districts are able to afford, and it is easy to see why this should be the case.



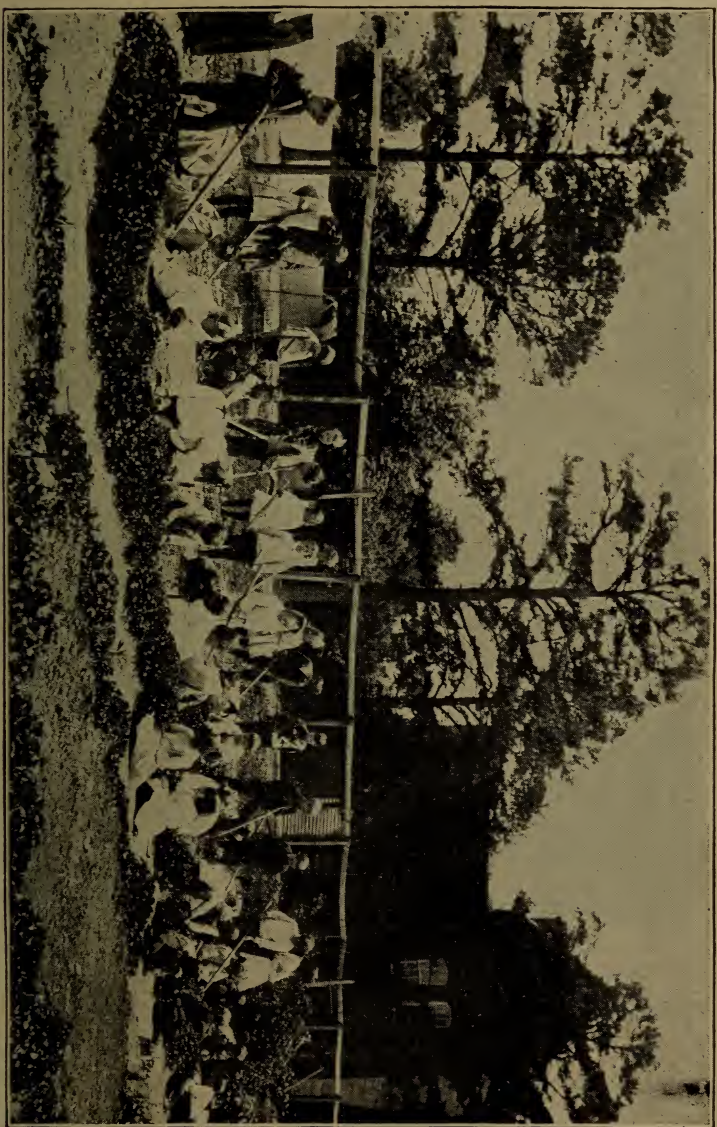
COFFEE COUNTY HIGH SCHOOL, ENTERPRISE, ALABAMA

The cities are always wealthier than the rural communities, and can more easily get additional money for their schools. There are many more children to be provided for, and since these children live close together, they find no difficulty in getting to and from school. In every city of Alabama there is a school within walking distance of every child. The organization of the schools is also usually better than that of the country schools. This results from

the fact that in the cities it is possible for the superintendent of schools to keep constantly and closely in touch with the every-day conditions of his schools. In every city, moreover, and in many towns and counties, a high school is provided so that the young people may continue their education beyond the elementary studies.

46. What the government does for higher education. In Alabama, as in most of the States of the Union, the government is not content with providing graded and high schools for the boys and girls of the State. Some provision is also made for higher education in colleges, institutes, and universities. The University of Alabama, at Tuscaloosa, was established in 1831 with funds received from the sale of public lands given by the United States government to the State of Alabama at the time of its admission into the Union. From that day to this, the University has been educating men whose influence has been felt not only in Alabama but also in the affairs of the nation. The Medical Department of the University is located at Mobile. At Auburn the government lends its support to the Alabama Polytechnic Institute for the scientific training of young men. This institution ranks among the best of its kind in the South. Its graduates are filling positions of usefulness and honor in many parts of the United States. The government has provided for the industrial education of girls by establishing the Alabama Girls' Industrial School at Montevallo. The government also makes special provision for the training of teachers. For this purpose normal schools or colleges have been established by the State at Florence, Troy, Jacksonville, Livingston, Daphne and Moundville.

47. What the school does for the community. We have been discussing the question of what the community, or



A CHILDREN'S SCHOOL GARDEN

the government is doing for the schools. The question naturally arises, why should the government go to all of this trouble and spend all the money necessary to establish an adequate school system? We saw that one of the reasons for this was that the people of any community must be educated if they are to govern themselves intelligently. (See page 53.) You must not think, however, that schools are provided simply that men may know how to vote intelligently. There are several other reasons why the community ought to encourage and support schools. Let us see what some of these reasons are.

In the first place, educated men understand some things which uneducated men do not understand. Knowing more things and having trained minds, they make better farmers, better store-keepers, better business men. They can earn more money, and whatever a man earns for himself, you must understand, increases the wealth and prosperity of the community in which he lives.

In the second place, your life within the school is very similar to the life you are to lead in the community. Just as in the community people have desires, so in the school the pupils have desires—desires for health, for possessions, for liberty, for knowledge, for progress. The purpose of the school is to assist the pupil in the attainment of these desires. But there are also conflicts in the desires which different pupils have, and as a result there are rules or laws of the school which must be obeyed. The teachers and the principal, backed by the superintendent and the school board, make and enforce these laws. They correspond to the government in a community; they *are* the government of the school. You thus see that in your life in the schoolroom you are face to face with many of the same conditions which people meet in community life. You are

trained at school into habits of obedience. You are taught to respect your elders and superiors, to be courteous always to your fellow-students, and to be considerate of



FALKVILLE NORMAL COLLEGE

This building was erected at a cost of \$10,000 by the inhabitants of the small town of Falkville, Alabama.

their rights and privileges. The good habits you form and the training you receive in school are just what you need to make you a better citizen in your community.

Sometimes these facts are lost sight of in the every-day life of the schoolroom, but even when they are not brought to your attention, they are not without effect. Training for good citizenship is always present in the schoolroom.

In the third place, our outlook is broadened by education. We learn of many things that have happened during the world's history, and of many more that are happening today. We learn to understand and appreciate many old things and to see many new things. We come to enjoy good books and other high forms of pleasure. We see our duty to our community more clearly. We are more willing to devote our time to the service of our community and State; and perhaps we are trained so that we will make efficient servants of the public.

Of course there are some exceptions to this. Not all educated men are noble, and high-minded, and considerate of the welfare of their community, but it is true that this is the general effect of education upon a people. You can easily see, then, what the school does in return for all that the community sacrifices to build and maintain it.

In one other way does the school improve the community. It often advances the prosperity of the community by increasing the value of property and attracting new residents. People do not always realize the truth of this. When families with children desire to move from one community to another, they are often very particular to inquire about the schools. They are unwilling to settle in any place unless there is a good school near at hand. This is true both in the city and in the country districts. Moreover, whenever a handsome school is built in any community the property around the school nearly always advances in value. People want to live close to the school, and they are willing to pay for the privilege of doing so.

48. Other ways in which the government promotes knowledge. We have seen that the public schools are the chief means by which the government fosters education in the community. The government does many other things, however, to advance knowledge among the people. It has established at Talladega institutions in which the deaf, dumb, and blind, both white and colored, receive education appropriate to their needs. There is a Reformatory and Industrial school at East Lake, where wayward boys are sent to be instructed in useful trades and to receive moral training, in order that they may not in after years become criminals who violate the laws of the community.

Hospitals for the insane white, are maintained by the State in Tuscaloosa and for the colored at Mount Vernon.

In Montgomery a library known as the Alabama State and Supreme Court Library is owned and supported by the government. Public libraries are maintained also by many cities of the State. In Bessemer, Decatur, Ensley, Eufaula, Gadsden, Montgomery, Selma, and Talladega, the library buildings were given by Mr. Andrew Carnegie; but each of these libraries is supported at the expense of the city. Birmingham and Mobile also maintain public libraries.

49. Summary. It is evident that the communities in Alabama are making marvelous progress in the advancement of education and the promotion of knowledge among the people. There is much yet to be done. The day is not far distant, however, when every child in the State of Alabama may have the opportunity, at least, of securing a splendid education, free of all direct cost to his family, under the patronage and support of the government of the State.

QUESTIONS FOR CLASS DISCUSSION

1. What evidences are there in your community that the government is helping the people to attain knowledge? Are there public schools? Is there a public library? Is there a high school? A public institutions of higher learning? An Agricultural school?

2. Explain how your life in the school corresponds to life in your community. What constitutes the school government? Who makes and who enforces the laws? Do you see how your school training will help to make you a better citizen? In what way?

3. Do the people in Alabama govern themselves? What kind of government is this called? Why is education necessary for people who govern themselves?

4. What are some of the reasons why public education did not develop in the South before the War? Why did it develop in New England? Tell something of the history of public education in Alabama.

5. Tell what you know of the school system of your community. If there is no high school near you, is there any talk of establishing one? Who is your county or city superintendent? What are the duties of the school board? Do you know any of its members?

6. Is your school a graded or ungraded school? Is your school building old or new? How was it paid for? How far is it from your residence? How do you get to school? What is the length of your school term?

7. Who pays for the support of the public schools? Why does the government do this? Suppose the government did not provide schools, are there not many children who would be deprived of an education?

8. In what ways does the family assist in education? What is the duty that parents owe their children? What duty do you as pupils owe yourselves?

CHAPTER VI

WHAT THE GOVERNMENT DOES TO PROMOTE COMMUNITY PROGRESS

50. **What community progress is.** It is very necessary that the people who live in a community shall have daily intercourse with one another, and that this intercourse shall be made as comfortable and easy as possible. This calls for good roads and streets, for railroad, steamboat, and trolley lines. Means must be provided also by which the people of one community may have communication with the people of other communities. This requires that a system of post-offices be established, as well as telegraph and telephone service. Most of us too desire beautiful things around us, not only in our homes, but when we go out into the highways which are the common property of all the people of the community. The eye is pleased with the sight of such things as beautiful buildings, well-kept parks, and monuments, and our life within the community is made more delightful and more inspiring by the presence of these things. Now we usually have in mind undertakings of this kind when we speak of community progress.

We must bear in mind, however, that each of us is very largely responsible for the progress that our community makes. The improvements we put upon our own property help to improve the community. When we plant grass and flowers in our yards, we improve the appearance of our community. When children refrain from scattering paper in the streets, from defacing trees and shrubs, from marking

on fences and walls, they help to keep their community clean and attractive. When a man advances his own business interests, he promotes the welfare of the community as a whole, for the prosperity of the community is measured by the prosperity of those who live in it. In many ways each of us can assist in promoting the progress of our community.

Sometimes, too, large companies are formed for the purpose of carrying on enterprises which advance community progress. Railroads, trolley lines, boat lines, the telegraph and the telephone service are all owned and operated by private companies for the purpose of gain. The progress of any community is very dependent upon such undertakings as these.

In many cases, however, neither an individual nor a stock company is willing to undertake those things that are necessary for the progress of the whole community. Most of them require an enormous outlay of money, and from many of them no profit can be derived. It then becomes the duty of the government to undertake these great enterprises. They call for the expenditure of a large amount of money, but they increase the comfort, the pleasure, and the pride of all the members of the community, and they facilitate communication and intercourse.

51. Why good roads are necessary. Many people, especially those who live in cities, think that with our present system of railroads there is no longer any necessity for having good driving roads. They point out that articles of food and products for manufacture are brought into the great cities almost entirely by railroad or boat. They would perhaps be surprised to learn that ninety-five per cent of these articles have first to be hauled by wagons over the country roads to depots and wharfs. And it must



AN UNIMPROVED ROAD



THE SAME ROAD AT THE SAME POINT AFTER IMPROVEMENT

be remembered that the people living in cities are absolutely dependent upon the people of the country districts, both for their food and for the raw materials which they use in factories. The problem of good roads is therefore one in which all of us should be deeply interested.

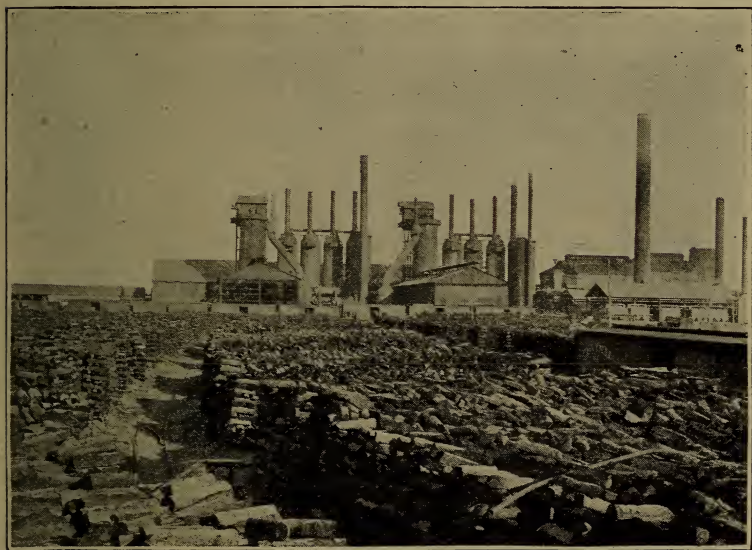
52. What the government in Alabama does for good roads.

During the early history of Alabama it was generally the custom for the large planters to build such rude roads as they needed. With the growth of population it became evident that the community would have to undertake the construction of roads for the common benefit of all. Although there are still some private roads in Alabama, most of the roads are owned and maintained by the government.

The law requires that every able bodied man in Alabama between eighteen and forty-five years of age shall give a certain portion of his time, not to exceed ten days each year, to work on the building and repairing of roads. This law does not, however, apply to men living in towns and cities. Each county has control over its own roads. Officers are appointed to superintend the work on the roads and to call out the inhabitants of the county for this purpose. In case a man who is called fails to appear, he is required to pay to the county not less than one nor more than three dollars for each day that he is due to work on the roads. Some counties make provision by which those who do not wish to work on the roads may instead pay to the county a sum not to exceed ten dollars a year. Sometimes also county and city convicts are put to work on the roads.

These methods used for constructing and repairing roads in Alabama have not proved highly successful. Some people have the idea that *anybody* can build a road. As a matter of fact the building of a good road requires the

skill of a trained engineer, and most farmers do not possess this necessary training. In some counties, however, a *supervisor* of roads is appointed and the law requires that he shall be an engineer. The time will probably soon come when the State of Alabama will realize that it is absolutely necessary to adopt a different method of providing for the most important matter of road-building.



PIG-IRON FURNACES

Showing hundreds of tons of pig-iron ready for shipment.

53. How the government controls railroads. In Europe many of the railroads are owned and operated by the government, but in the United States this plan is not adopted. The government realizes, however, that the people are very dependent upon railroads, and it lends every encouragement to the building of new lines through parts of the country where there are poor railway facilities. For instance, as we have already noticed (see page 44), it gives

to the railways the right to take property whenever necessary under the power of eminent domain, provided always that the owner shall be justly paid for the property that is taken. The government realizes, too, that the individual members of a community are very much at the mercy of railroads. They may charge exorbitant fares and freight rates, or they may be inconsiderate of the traveler's comfort. The government has therefore found it necessary to subject railroads to very rigid control.

In Alabama there is a board known as the *Board of Railroad Commissioners*, whose duty it is to make regulations for the control of the railroads in the people's interests. This board consists of three men. It has the power to supervise the railroads of the State, and to require them to provide comfortable and convenient service for the public. The board can even punish railways by heavy fines in case they refuse to obey its orders. The members of the board are given the right also to examine the books of the railways and to require reports from them, in order that they may at all times be thoroughly in touch with the affairs of every railroad.

Most of our large railways extend beyond the State of Alabama into neighboring States. Of course Alabama cannot completely control the operations of such railways. Wherever these conditions exist, it is necessary for the national government at Washington to undertake the control.

54. How the government controls waterways. The rivers of Alabama and the harbor at Mobile are the property of the whole people. No one can claim these waterways as a part of his own property. Before the days of the steam-engine or even of good driving roads, much of the travel and most of the freight traffic was carried on by

means of the waterways. Alabama is peculiarly fortunate in having a number of navigable rivers and a good harbor. The government does many things for the improvement of the means of navigation. It provides for the dredging of rivers and of the harbor at Mobile in order that large boats may be able to navigate them. It surveys and makes charts of the channels of these waterways in order that boats may not become grounded in shallow water. The government makes regulations also for the pilots who are to steer boats through these channels, and in many other ways it provides for security of travel by water. In order that boats may be able to pass over river shoals, locks have been constructed in a number of our rivers at a great expense to the government.

55. How the government controls trolley lines. With the use of electricity in transportation vast systems of trolley lines have developed in and near some of the cities of Alabama. The government finds it necessary to control these lines in much the same way that it controls steam railways. No company can use the streets of a city for the operation of electric cars without the consent of the government. In return for its consent, the government usually reserves the right to fix the fares to be charged, and to regulate the speed of the cars and the frequency with which they must run.

These trolley lines form a net work of tracks throughout our larger cities. They provide easy means of transportation from one part of the city to another, and they frequently extend a considerable distance into the country districts. Around the larger cities of Alabama extensive rural trolley lines have grown up. The city of Birmingham is connected by trolley lines with Avondale, Wood-

lawn, East Lake, Pratt City, Ensley, Wylam, Owenton and Bessemer.

Many advantages have resulted from the growth of suburban electric lines. People no longer have to live near their place of work. At little cost and in a short time they can be carried away from the city to pleasant homes in the surrounding country. There they enjoy better air and have some of the advantages of country life. Land too is always cheaper on the outskirts of a city, and people of small means can more easily establish homes of their own.

56. Transportation and progress. In what we have said about roads, waterways, railways, and electric lines, we have frequently used the word "transportation," which means the methods by which persons and freight are carried from one point to another. In modern times it is very necessary that transportation be made easy, safe, and comfortable. People have to move from place to place very frequently. They cannot afford to waste much time in travel. The more quickly they are enabled to reach their destination with safety, the more they can accomplish. It thus happens that the progress of a community can often be measured very definitely by the means of transportation which the community affords.

57. What the government does for the transmission of news. *Postal service.* Even as far back as the colonial period a crude system of post-offices was established, largely through the influence of Benjamin Franklin. At first it was a private undertaking, but the people very soon realized that it was an enterprise affecting the interests of the whole country. It was not long, therefore, before it was taken over by the government. Today the business

of carrying the mails is owned and operated exclusively by the national government at Washington.

In early days the mails were subjected to the same delays and difficulties that attended travel. They were carried by horsemen or stage-coaches, and postage was very expensive. After the building of railroads there came a



A RURAL FREE DELIVERY WAGON
Ready to start from the village post-office

reform in the service. The charges for postage were greatly reduced, for the government came to realize that cheaper and quicker service was necessary for the progress of the whole country.

Since the first reduction of postage rates, many other reforms have been introduced to facilitate the carrying of the mails and to improve the usefulness of the service to the people. The most recent of these progressive steps

has been the establishment of what is known as "rural free deliveries." For a long time mail matter has been delivered in cities directly to the houses; elsewhere people had to call at the post-office for their mail. Where delivery routes have been established in the country districts, the farmer now gets his letters and newspapers promptly, and without the necessity perhaps of a long trip to the post-office.

On account of their weight newspapers, magazines, and books are more expensive to carry than letters. Yet the transmission of such matter is very necessary in order that the people of one community may be kept in constant touch with what the other communities of their State and country are doing. They promote the general knowledge and information of the people. The government therefore carries such printed matter at lower rates than it charges for letters, even though this policy results in an annual loss of about twenty-five million dollars. Small packages also may be sent through the mails.

Telegraph and telephone service. In nearly all European countries the telegraph lines are owned and operated by the government, and in some of them the telephone service also. This is not the case in the United States. The transmission of news by telegraph and telephone is a business undertaken by large companies for purposes of gain. As a result this service in the United States is more expensive than it is in Europe. Although the government does not own the telegraph and telephone systems, the companies engaged in operating them are subjected to strict control. The government realizes that we have become very dependent upon these methods of transmitting intelligence. It will not permit telegraph and telephone companies to charge exorbitant rates, and it

usually requires them, in the interests of the public, to maintain a thoroughly efficient service.

In recent years telephone systems have been installed in many of the country districts of Alabama. This has resulted in immense advantage to rural communities. People who live on farms that are some distance apart have means for enjoying constant communication with one another. Moreover the telephone enables them to keep in touch with neighboring towns and cities both for business and social purposes. The rural telephone and the rural free delivery have proved to be of immense importance in promoting the progress of our farm communities.

58. How the government controls the streets. In cities, as we have seen, the streets are the common property of all the people and are controlled by the government for the people's benefit. Their chief use is for walking and driving. The government, however, allows the streets to be used for many other necessary purposes, although it usually takes care that walking and driving shall not be seriously interfered with. Sometimes a street is temporarily closed for repairs or for excavations, and sometimes when buildings are being erected or torn down, a street is partially obstructed. In all of our cities, however, the government makes regulations to prevent people from placing unnecessary obstructions in the streets. When a large building is being erected in the business section of the city, you may have noticed that the sidewalk is often covered over in order that people may pass to and fro in safety.

Frequently the government itself makes use of the streets for the benefit of the people. It places numerous mains and pipes beneath the streets for the purpose of

carrying off the sewerage, and sometimes for the purpose of supplying water and gas to the inhabitants of the city. The government usually owns the sewer system and sometimes the waterworks and the gas plant. Whenever the government operates such things as these, it makes free use of the streets.

Private companies are also permitted to use the streets for certain purposes of advantage to the people. Water companies and gas companies are permitted to lay pipes beneath the streets. Electric car companies are permitted to lay tracks and string wires. Telegraph, telephone, and electric lighting companies are also allowed to put up poles and wires. In every case, however, the government reserves the right to regulate the business of these companies. (See pages 75, 78.)

The custom of stringing wires on poles along the streets is very objectionable. The intricate network of wires in the business section of the city is not only dangerous but presents an unsightly appearance. The day will come when overhead wires will give way to the more improved system of placing them underground, although this latter system is far more expensive.

You see therefore that the government endeavors in many ways to control the streets for the the best interests of the people living in the city community.

59. How the government improves the appearance of the community. In the country districts where people live scattered about on farms, whatever is done to beautify the community must be attended to largely by individuals. The farmer can do much to add to the attractiveness of his surroundings. In clearing out ground for cultivation, trees should always be left standing along the roads. Vine hedges are a great improvement upon bare fences of wire

or rails. Freshly painted houses and barns, neatly kept barn-yards, well ordered lawns in front of the houses, trees and flowers—these are a few of the things that help to make rural communities more pleasing to the eye and more inspiring and attractive to live in. We cannot afford to neglect such things as these. All of us should be willing



A WELL PAVED CITY STREET
FIVE POINTS, BIRMINGHAM, ALABAMA

to do what we can to improve the appearance of our surroundings.

The individuals who live in cities are also largely responsible for the attractive appearance of their community (see page 69), but in addition the city government undertakes many things to improve appearances. Cleanliness is naturally the first consideration. To this end the govern-

ment either requires the individual to pave the sidewalk bordering his property or else assists him in paving it. In most cities too the government either macadamize the roadbeds of the principal streets or paves them with stone, brick, or asphalt. It provides also a force of men whose duty it is to keep the streets well swept, and in some cities the streets are watered to allay the dust.

But cleanliness is not all; something must be done to add to the beauty of the streets. Our city governments provide for the setting out of trees, which greatly improve the appearance of the streets and add to the comfort of those who use them during the heated season. Parks are also provided, with stretches of closely cropped grass, beautiful shade trees, beds of flowers, fountains, and well-kept paths. The government frequently assists in erecting monuments to commemorate the site of some important event of history, or the life of some great hero. In erecting public buildings, it is the duty of the government—a duty not always observed—to see not only that the buildings are suited to their purpose, but that they are also an architectural ornament to the community in which they are erected.

The grounds around school buildings can be made attractive at comparatively little expense. Cleanliness and beauty can be very easily provided for. You, as school children, can do many things to beautify your school building and grounds. In most cases you can have flower beds in the school yard, and you yourselves can care for the flowers. Perhaps you can also plant trees and vines about the grounds. Especially, however, can you assist by taking care of the school furniture, and by refusing to litter the school yard or to place unsightly pictures and writing on walls and fences.

60. Summary. Perhaps you now have a better idea of how many things the government is doing to promote community progress. If our community has the progressive spirit, it cannot fail to be an attractive and inspiring place to live in. There are many things which we ourselves can do, but there are others that the community as a whole must undertake. Each of us can show our interest in these things and our appreciation of them. We can do much to make our own homes a pride to the community. And we can certainly refrain from interfering with the community's efforts to keep the roads, the streets, the parks, and the schoolhouses clean and beautiful.

QUESTIONS FOR CLASS DISCUSSION

1. What are the means afforded by your community for your getting to and from school? Is your school building attractive? Are there flowers and trees in the yard? Are you pupils careful to keep your school neat and clean? Can you think of some things that could easily be done to make your school more attractive? Can you help in any way?

2. What is the condition of the roads in your community? Are there any macadamized roads? Who attends to the repairing of the roads? Do you know of any road that has recently been repaired? How was it done? Are there any private roads in your county? Who owns them? Why is the method of having the farmers work on the roads a number of days each year unsatisfactory? Are men in your county permitted to pay money to the county instead of working on the roads? How much do they pay?

3. Are there any waterways near your community? Who owns them? Is anything being done to improve them? Do you know of any river or harbor that has been dredged recently?

4. Is there a railway in your community? Who owns it? How does the government control it? What are the duties of the State Board of Railroad Commissioners?

5. Are there any electric lines in your community? Are they wholly within your town or city, or do they run into the country?

Who controls them? If you live in a city, is your electric car service good or poor? Have the suburbs of your city grown since the building of electric lines?

6. How far is your post-office from your home? Are letters delivered to you, or do you call for them? Who owns the post-offices? Why are newspapers and books carried for less than letters?

7. How far from your home is the nearest express office? The nearest telegraph office? Is there a telephone service in your community? Does the government own any of these services? Does it control them?

8. If you live in a city, find out who owns the waterworks. The gas-plant. The electric plant or plants. How are water, gas, and electricity distributed through the city?

9. Does your city permit wires to be strung on poles along the streets? What objection is there to this? Do the electric car lines and the telegraph and telephone companies pay for the use they make of the streets? What use do they make? Whom do they pay?

10. Are the sidewalks of your city or town paved? Who paved them? Are the roadbeds of the streets paved? Who paved them? Are there trees along the streets? Who set them out? What are the names of your parks? Describe them. Are they well kept? Who pays for keeping them up?

11. Why does the government undertake these things for the cities? Who enjoys them? Why are such things not done in the country districts? Can you think of anything that could be done to improve the appearance of your community? Is there anything you could do?

12. Are there any public buildings in your community? Mention one that you think is beautiful. One that you think is unsightly.

CHAPTER VII

HOW THE GOVERNMENT OF ALABAMA IS SUPPORTED.

61. What is meant by taxation. In the foregoing chapters we have seen something of what the government does to assist us in the attainment of certain desires that we should be unable to enjoy without assistance. Have you stopped to consider that a great deal of money is needed for the working out of all these plans? In a State like Alabama there must be many officers to carry on the work of the various departments of the government. To these salaries must be paid. There must be many buildings, such as court-houses and jails, schoolhouses and libraries, city halls, fire houses, and poorhouses. There must be money for the improvement of roads, the paving of streets, the building of bridges. Where does this money come from? It is raised by a system called *taxation*.

Most of you have doubtless heard taxes spoken of, but you may never have understood just what they are, or why they are necessary. Now your attention has been called to the fact that the government undertakes to do for the people of a community many things that promote the welfare of the community as a whole. For these things money is needed. Perhaps you will appreciate more fully, then, why the raising of taxes is a very essential part of life in a community; it is essential to the existence of the government, and therefore essential to the peace and the happiness of each of us living in the community.

What is a *tax*? A tax is a sum of money taken from the individual to be used by the government for the interest of the whole community. Or, as it is sometimes briefly put, "a tax is private property taken for a public purpose." You must bear in mind that taxing is taking *property*; for although taxes are usually paid in money, we must not forget that money is one form of property.

Many people have a feeling that the payment of taxes is a great hardship. They look upon it almost as oppression. They do not see that they are doing anything wrong if they avoid paying their taxes whenever it is possible. They sometimes even make false statements in order to be relieved of the burden of taxation. They do not seem to realize that the government gives them something in return for the money paid in taxes. It gives them innumerable protections for their life, their liberty, and their property, and innumerable benefits such as good roads, paved and lighted streets, and schoolhouses. As a matter of fact, we should be just as willing to pay for these things as we are to pay for the things that we buy in the shops. Most of us get far more from the government, in the form of benefits and protections provided for us, than we ever actually pay for in taxes.

You will remember also that the government sometimes takes property from the individuals of a community under the power of eminent domain, whenever their property is needed for the opening of a street or a road, or any other public purpose. (See page 44.) But this is very different from taking property by taxation. When the government exercises this power of eminent domain, it always pays the individual *directly* in money for the property it takes. In the case of taxes, however, the government pays the individual only *indirectly* in those general things which it

undertakes for the common welfare of all who live in the community.

62. Taxation in history. It is always true that, next to their life and liberty, people dislike more than anything else to give up their property. Nothing so quickly influences the people of a community against the government as the feeling that the taxes demanded of them are unjust. Two of the greatest questions of all times have been: (1) Who shall have the power to impose the taxes? (2) How much shall the taxes be? Terrible wars have been fought out over these questions. Our own Revolutionary War arose, you remember, over a dispute in regard to taxes. Parliament claimed the right to tax the colonies. The colonists objected and demanded the right to have a voice in the laying of these taxes. The war resulted, and we became an independent nation.

63. The principles of taxation. Ever since the Revolutionary War it has been settled in the United States that *the people alone shall have power to tax themselves*. This does not mean that each person shall have the power to say how much he will or will not pay to the government. Nor does it mean necessarily that all the people must come together to determine this question directly. It does mean, however, that taxes can be levied only by those whom the people themselves choose, and to whom they give the power to impose taxes.

The second principle of taxation is that as nearly as possible *people shall be taxed according to what they can afford to pay*. If we look at the benefits which each of us gets from the government, this is perhaps not wholly just. The rich man, who pays large taxes, receives no more benefit from well-kept streets and parks, and from the many things which the government does to protect the

health of the community, than does the poor man, who pays little or no taxes. On the other hand, if the wealthy citizen owns large property interests, he does receive a great deal of protection from the government which the poor citizen, owning no property, does not need. At any rate, this plan of taxing the individuals of a community according to their ability to pay is the most just principle for the levying of taxes that has yet been discovered.

The third principle in our system of taxes is that *taxes must be equally and impartially laid*. All people of a certain class and all property of a certain class must be taxed alike. This means that the government cannot, for instance, lay a tax of a certain amount on one man's farm or factory and refuse to lay a like tax on a similar farm or factory belonging to another man.

These are perhaps the three most important principles of taxation. They form the basis of most of our methods of raising money for the support of the government.

64. Taxes on property: real estate. In every community taxes are levied on a great variety of things, but the chief thing taxed is property. The law provides that all the owners of property shall pay annually to the government a certain per cent of the value of their property. When this property consists of land and houses—or *real estate*, as it is called—it is easy to determine who shall pay the taxes, and usually it is easy to fix the amount to be paid.

The government appoints certain officers to estimate what the value of each piece of property is. This is called *assessing the property*, and these officers are called *assessors*. The taxes are then paid on the property in accordance with its assessed value.

Naturally it is sometimes difficult to fix the value of a given piece of property. In order, therefore, that the

owner may not be unjustly taxed, property is generally assessed at somewhat less than its actual value. Suppose a farm would bring, if sold, about ten thousand dollars. The assessors would probably place its valuation at six thousand dollars. If then the rate of taxation was two per cent, the owner would be required to pay the government every year two per cent of six thousand dollars, or one hundred and twenty dollars. This custom of assessing property below its real value is pretty general, although the law requires that property be assessed in full.

65. Taxes on personal property. Where the individual's property consists of farming implements, cattle, furniture, jewelry, books, and even money, it becomes very difficult to collect the taxes levied upon it. These things are called *personal property*. You can readily understand that it is easy for the owners of such property to deceive the officers of the government by refusing to acknowledge all that they possess. Unfortunately people cannot be relied upon to tell the truth about these things, and the result is that only the honest man, who is willing to tell the whole truth, pays the full amount of taxes laid on his personal property. With lands and houses it is different, for such things cannot be hid. In all countries, however, taxes on personal property have proved to be more or less a failure.

66. Taxes on business property. In addition to the taxes laid on real estate and on personal property, taxes are levied on almost every kind of property used in carrying on business. This property is generally classed with personal property, for it is in reality the personal property of those who are conducting the business. It may consist of wharves, landings, and vessels; of railway tracks, engines and coaches; of goods for sale in the shops; or of machinery used in water-works, electric plants, mines,

furnaces, rolling mills, or other manufacturing plants. Indeed the law imposes a tax on nearly every kind of property used for business purposes within the State.

67. Other important forms of taxation. 1. License taxes.

The government requires that before any person may engage in certain kinds of business he must obtain permission from the government. This permission is known as a *license*, and the government requires that the individual who receives it shall pay what is known as a license tax. While such taxes are imposed on a great many different kinds of business, they are not levied on every business. The amount of the license tax varies with the nature of the business and frequently also with the size of the town or city in which it is conducted.

2. Franchise taxes. Certain companies and corporations are taxed for special privileges which the government grants them. These taxes are called franchise taxes. Railway companies, for instance, pay such taxes for the privilege of constructing their lines and operating in the State. Telephone, telegraph, and express companies pay similar taxes. Street railway companies, water, gas, and electric light companies pay franchise taxes for the use which they make of the city streets.

Franchise and license taxes are very much alike. We frequently speak of all taxes of this kind as *privilege taxes*, for they are all imposed for the privilege of conducting business. A franchise tax, however, is usually imposed for a *special* privilege, as for instance, the privilege of using the streets to lay tracks or pipes or to string wires.

3. Corporation taxes. Whenever a number of persons desire to go into business together, it is quite usual for them to organize a company. This company applies to the government of Alabama for the permission to organize

according to the laws of the State, and when the permission is granted the company is known as a *corporation*. The government imposes an annual license or privilege tax on every corporation so organized.

Moreover, when a corporation organized in any other State desires to conduct business in Alabama, it must pay the government a tax for this privilege.

4 *The poll-tax.* On every male resident of the State between twenty-one and forty-five years of age a tax of \$1.50 is levied. This is called a poll-tax, and no man can vote in Alabama who has not paid this tax.

5. *Special assessments.* When streets or alleys are paved, and when sewers are laid, it sometimes happens that the owners of property bordering along the streets and alleys receive more benefit from these improvements than any one else in the community. The value of their property is increased by such improvements, and it seems only just that they should be made to pay a part of the expense. The government provides that a special tax shall be levied against the owners of such property, and these taxes are known as special assessments. The owners cannot, however, be taxed beyond the amount by which the value of their property is increased because of these improvements.

68. *Property that is not taxed.* In every community in Alabama certain property is free from taxation. It would be absurd for the government to tax its own property—its public buildings, schoolhouses, roads, and streets. This would mean only that the government was paying itself taxes. The law provides that no taxes shall be imposed upon a certain amount of land used for religious worship, for private schools, or for charitable purposes. Libraries, too, are in general free from taxation. Such property as this is not taxed because, although private in its character,

it is in reality used for the benefit of the whole community. It is also provided that a certain amount of a man's household furniture, cattle, tools, and implements shall be free from the tax laws, and that the farmer who raises cotton and other agricultural products shall pay no taxes on them. These provisions lighten the burden of taxation on men of small means and promote agricultural industry.

69. State and local taxes. Most of these taxes that we have been discussing are imposed on property, business, and persons in all parts of the State. They are laid by the government of the State for the purpose of carrying on those affairs in which the whole State is concerned—that is, for the support of the State government. But the State government does not pay the salaries of county, city, and town officers, nor does it pay for the construction of roads in the counties, nor for the laying of sewers and the paving of streets in the cities. These and many other things are undertaken by the local governments in the different counties and cities of the State, and they must be paid for out of the funds raised in the local communities.

It must be clear to you, then, that in addition to the taxes levied by the State, each community must levy taxes for community purposes. As a matter of fact, every county, city, and town in the State of Alabama lays a tax on property in addition to the State tax; but many restrictions are placed upon the local governments in the amount of taxes which they may impose. Cities and towns usually raise a part of their funds also by placing license taxes on many kinds of business.

We shall understand this difference between State and local taxes more fully a little later in our study. (See page 104.) The important thing for you to remember is

that a part of the taxes we pay goes to the support of our State government, and another part to the support of our community government.

70. How the public schools are supported. We have already learned about the many things that our State is doing to advance the cause of public education. Every boy and girl in Alabama should be interested in learning how the funds for this purpose are secured. Nearly all the money for the support of the schools is paid out of the State treasury to the county officers who have control of the schools. From what sources does the State secure this money?

When in 1819 Alabama became a State of the Union, the entire State was laid off in divisions known as *townships*. Each township was six miles square and was divided into thirty-six *sections*, each one mile square. The United States government provided that the *sixteenth section* of each township should be set apart for the support of the public schools. Unfortunately these public lands were in many cases badly managed. Many of the sixteenth sections were lost. But the State still holds a substantial sum of money secured from the sale of these lands. Some of the sixteenth sections proved to be worthless. In order to make compensation for these, the United States government in 1836 deposited with the State of Alabama a fund to be applied to the support of the schools. These funds secured from the sale of sixteenth sections and from the United States government are kept in tact by the State; but the interest from them is yearly given to the schools.

For the support of the schools the State government lays an annual tax of thirty cents on every one hundred dollars' worth of taxable property in the State. The money raised from this tax forms a large part of the revenue for

school purposes. In addition to this, all the poll-taxes paid in each county go to the support of the schools of that county. Some money is secured also from less important sources.

The money secured by these means is distributed by the authorities who control the public school system of the State. Each county receives an amount in proportion to the number of school children in the county. This money is used, however, almost entirely for the purpose of paying salaries to teachers. As you know, there are many other expenses in connection with the maintenance of schools. The State government indeed provides for each county a sum of one thousand dollars annually to be used for the building and repairing of schools. But this is only a small part of what is needed for this purpose. It is absolutely necessary, therefore, that the people of each community shall give money for the erection of school buildings.

For school purposes the people of each county are permitted to lay a tax of ten cents on every one hundred dollars' worth of taxable property in the county. This tax cannot be laid, however, unless two hundred residents, who are voters and property owners, petition to have the tax imposed, and unless the people of the county vote in favor of the tax. A great deal of improvement could be made in the schools if the people of every county in the State would vote to lay this tax upon themselves.

Thus you see that the revenue for our schools is derived from a number of sources. Most of it is first paid into the State treasury and then distributed to the counties. But the real efficiency of the schools in any community depends upon what the people of *that* community are willing to do for the schools.

QUESTIONS FOR CLASS DISCUSSION

1. Has any public building been erected in your community recently? Try to find out how much it cost. Did the county, city, or State pay for the building? Why? Try to find out how the money was raised. Explain how this building is used for the benefit of the people of your community.

2. How is money raised for the improvement of roads in your county? Try to find out what the tax assessment for roads is. Who determines this assessment?

3. How are the schools supported in your county? Have any new schoolhouses been built recently? How much did they cost? Try to find out how these buildings were paid for.

4. In what ways that you can think of do people in your community receive benefits from the taxes they pay? Explain why it is dishonest to avoid paying taxes. Explain why it is wrong to look upon taxes as oppression.

5. What part did the question of taxation play in the causes of our Revolutionary War? What principle of taxation was in consequence established in America?

6. In what ways that you can think of does the owner of property get special benefits by paying the large taxes that are assessed upon him?

7. What is the difference between real estate and personal property? Do you own any real estate? Any personal property? Explain why it is easier to collect taxes on the one than it is on the other.

8. What is meant by assessing property for taxation? Try to find out whether property in your community is said to be assessed high or low. What does this mean?

9. What property that you can think of in your community is free from taxation? Why is it not taxed? Is your school building taxed? Why?

10. Mention some other forms of taxation in Alabama and explain what is meant by each?

11. What is meant by local taxes? Why are they necessary? Try to find out what is the local rate of taxation on property in your community. (See Constitution, Sections 215 and 216.) The State rate. (See Constitution, Section 214.)

CHAPTER VIII

WHAT THE CONSTITUTION IS

71. How Alabama became a territory. You will recall from your study of the history of our State that, at the time of the Revolutionary War and the foundation of the Union of which we are today a part, the territory occupied by the present State of Alabama was little more than a wilderness. It was inhabited largely by Indian tribes; there were only a few scattered white settlements. As the years went on, however, the white population steadily increased. Especially was this true after Eli Whitney's invention of the cotton-gin, for this invention caused the cultivation of cotton to become a very profitable industry in the South.

Most of the territory now covered by both Alabama and Mississippi was claimed by the State of Georgia. Spain also laid claim to a wide strip along the Gulf of Mexico stretching from the Chattahoochee to the Mississippi, and including nearly half of the present area of both States. In 1795, by the Treaty of Madrid, Spain released her claim to all of this strip above the line of 31° , north latitude.

Georgia still claimed that this territory released by Spain belonged to her, but she consented to have the United States government rule over it. In 1798, therefore, the national government created what was known as the Mississippi Territory. This territory extended from the Chattahoochee to the Mississippi, but it was cut off

from the Gulf by the Spanish possessions on the South, and it did not include the northern half of the present States of Alabama and Mississippi. After Georgia, in 1802, ceded to the United States her claims to all the territory west of her present boundary, this northern section was added to the Mississippi Territory (1804). A narrow strip of land which had been given over to the national government by South Carolina in 1797, was added at the same time. Thus the whole of the territory now embraced in the States of Alabama and Mississippi, was included in the Mississippi Territory, with the single exception of the region along the Gulf of Mexico between the Pearl and the Perido Rivers known as the "Mobile District."

In 1803 the United States Government purchased from France the immense territory of Louisiana. It will perhaps never be settled whether or not this "Mobile District" was included in the purchase of Louisiana. But in any case, during the war between England and the United States which began in 1812, the Spanish forces were expelled from the District, and it was made a part of the Mississippi Territory.

We have said that the national government "created" the Mississippi Territory and gradually increased its area until it occupied all the territory now covered by the States of Alabama and Mississippi. What do we mean by this? You must bear in mind that every since the formation of our Union, the nation as a whole has held certain large tracts of land which were not a part of any State. The national government has usually divided these lands into what is known as *territories*. When the population of any territory is sufficiently large, the national Congress has generally permitted it to come into the Union as a State. As long as it remains a territory, however, Con-

gress alone has the power to provide for its government. Such a territory was the Mississippi Territory.

In 1817 the Mississippi Territory was divided into two parts, and the eastern division was organized as the Alabama Territory. During the same year the western division was admitted to the Union as the State of Mississippi.

72. How Alabama was governed as a territory. Alabama remained a territory for only two years. During that time its population, not including Indians, more than doubled, for many settlers began to pour into the Territory from Virginia, the Carolinas, Georgia, and Tennessee. The governor of the Territory was appointed by the President of the United States, just as the governor of the Mississippi Territory had been appointed. Moreover, the laws of Congress, gave the governor the power to call a law-making body composed of delegates chosen by the people of the territory. Thus the people were permitted to have a large share in their own Government. You must understand, however, that the whole Territory was at all times under the direct control of the national government. Congress had the power at any time to change its form of government, abolish its law-making body, and repeal its laws. As we shall learn later in our study, Congress has no such power over a State of the Union. (See page 191.) This in reality constitutes the great difference between a territory and a State. A State is largely independent of the powers of Congress. Congress has no power to say what laws shall be passed by the States and how they shall provide for their own governments. Moreover, the people of a State have a share in the government of the nation, while the people of a territory do not. It was for these reasons that our forefathers in the Alabama Territory soon began

to request of Congress that Alabama might be admitted to the Union as a State.

73. How Alabama became a State. In the spring of 1819 Congress passed what is known as an "enabling act" for Alabama—that is, an act permitting the Territory of Alabama to take the proper steps to "enable" it to become a State. According to the provisions of this act, elections were held in the various counties of the Territory, and delegates were chosen to a convention which met at Huntsville in July, 1819. This convention was called to determine how Alabama should be governed when admitted to the Union as a State. A document was drawn up, providing for a government similar to that existing in the other States. This written document designated what officers should be chosen and how they should be chosen, what powers these officers should have, and who should make and enforce the laws. This is what we mean by a Constitution. *It is a written document framed by delegates representing the people and providing in outline the organization of the State government.* Every State of the Union has such a Constitution; and from time to time, usually at long intervals, a new convention is called and a new Constitution for State is drawn up.

The convention which framed Alabama's first Constitution completed its work on the second of August, 1819. The Constitution was approved by Congress, and a resolution was passed admitting Alabama to the Union as a State. On December 14, 1819, the President of the United States signed the resolution of Congress, and Alabama ceased to be a territory; it became a State.

74. The history of Alabama's Constitutions. The first Constitution of Alabama lasted with a few unimportant changes for a period of more than forty years. Meantime

the North and the South were growing farther and farther apart on the question of slavery. With the coming of this awful struggle between the States, the Constitution of Alabama passed through a series of rapid changes. You will remember that in year 1861 Alabama, along with the other States of the South, withdrew from the Union. A special convention of the people was called to meet at Montgomery in January of that year. Having passed the Ordinance of Session, this convention proceeded to draw up a new Constitution for the State. This second Constitution lasted only through the period of the War between the States.

It was by the authority of Andrew Johnson, President of the United States, and the temporary Governor of Alabama whom he had appointed, that our third convention came together in September, 1866, and drew up still another Constitution. Then followed the terrible period of reconstruction. Congress was not content with President Johnson's plan to have the defeated States so easily restored to the Union. Congress proceeded, therefore, to place Alabama under control of the military forces of the United States. In November, 1867, while Alabama was thus under military rule, a fourth constitutional convention came together. Unlike the three preceding conventions, it did not represent the people of Alabama. Its membership was composed largely of Northerners and of recently freed negroes. The Constitution adopted by this convention was rejected by the people at the polls, but under it Alabama was by Congress readmitted to the Union in July, 1868.

By the terms of the Constitution of 1868, a vast majority of the white people of Alabama were denied any share in the government of their State. With the election

of Governor George Smith Houston, however, in 1874, affairs took another turn. A fifth convention was called, and a year later the Constitution of 1875 was adopted by a vote of the people. It lasted for a period of twenty-six years.

75. Our present Constitution. In the summer of 1901 our sixth and last convention met and framed the Constitution under which we now live. The chief reform which the people felt that it was necessary to make was the placing of new conditions upon the right to vote.

Our present Constitution is a long document, covering many printed pages. The convention which framed it sat for several months fully and carefully considering the great work before them. The Constitution provides in detail how the government shall be organized. It enumerates all the chief officers of the government and outlines their powers and duties. It determines who shall have the right to vote and hold the various offices. And it provides for local governments in the different communities of the State. It is the duty of the law-making body to pass such laws as may be necessary for carrying out the scheme of government provided for in the Constitution.

76. The importance of the Constitution. When we were discussing how our liberties are protected in the community (see chapter IV), we learned that we possess certain rights which not even the government can deny to us. This is because the powers of the government are restricted by the Constitution. (See page 48.) The government can pass no law and do no act which violates the Constitution. *It is the highest law of the State.* It is because of this importance that the people of the State will not trust the ordinary law-making body to change the Constitution. Such changes may be proposed by a three-fifths vote of the

law-making body, but before going into effect they must be submitted to a vote of the people. In case a new Constitution is needed the people may vote to have a special convention called for the purpose of drawing it up.

In the chapters which follow we shall see how the machinery of the government is organized under our present Constitution, and how the government is enabled to assist the people of Alabama in so many ways. It will be unnecessary, therefore, for us to consider here in detail the splendid work of that convention which met in Montgomery in 1901 and determined upon our present form of government.

QUESTIONS FOR CLASS DISCUSSION

1. What is the difference between a territory and a State? Of what territory was Alabama originally a part? Explain how this territory was formed of different tracts of land.

2. How and when was the Territory of Alabama formed? How was it governed? What power did Congress have over the Territory? Why did the people desire to have the Territory admitted as a State? When and how was Alabama admitted as a State?

3. Who determines our form of Government today? How is this done? What is meant by a Constitution? How many Constitutions have we had in Alabama? How were these Constitutions drawn up?

4. Explain how the Constitution protects our liberties. Against whom are they protected? How may the Constitution be changed? Why may our law-makers not change it?

5. When was our present Constitution framed? By whom was it framed? Find out, if you can, the names of any of the members of the convention of 1901. Who represented your county?

CHAPTER IX

HOW THE GOVERNMENT IS ORGANIZED

77. What is meant by the departments of government.

From the very beginning of constitutional government in America the people have believed that the laws ought not to be made, explained, and put into operation by the same men or group of men. Whenever so much power is given over to one group of men, there is danger that they will oppress the people. It is an important principle of our government, therefore, that there shall be one group of men to make the laws, another group to put them into operation, and a third group to explain or interpret what the laws mean. These three groups of officers form the three great *departments* of government. Those who make the laws are known as the *Legislative Department*. Those who see that the laws are carried out, or executed, compose the *Executive Department*. And those whose duty it is to determine what the law means when it is applied to a particular case are the *Judicial Department*.

78. The State government. As you all know, some of the duties which the government undertakes to perform concern the people of the State as a whole. Take, for instance, laws that provide for the punishment of criminals. A crime is just as likely to be committed in one part of the State as in another. It is very clear, therefore, that *all* the people are concerned in such laws. This is only a single instance among a great many matters in which the people of the whole State have a common interest and concern.

You see that it would never do for any particular county or city to make laws for itself in regard to matters of so great importance. This must be done by the government which represents the people of the whole State. We call this the State government. It is this government which makes most of the laws that we must obey; and as we have seen, it is supported by levying taxes upon the people of the whole State. (See page 92.)

79. Local government. *The county.* You can easily think of certain things undertaken by the government of your county which do not concern the people of the whole State. Take, for example, the building of roads. This something in which the people of each particular county are especially interested. It is looked upon, therefore, as a matter which should be undertaken and controlled largely by the counties. Moreover, the counties undertake to put many of the State laws into operation. They assess property and collect taxes for the State, they arrest criminals who violate the laws of the State; they put into execution the laws of the State providing for the public schools. Counties, therefore, are permitted to have governments of their own for the management of county affairs and to assist in carrying out the laws of the State.

The city. Every city of Alabama is located in some county and is subject to the government of that county. But you probably know of many things undertaken by a city which concern neither the people of the whole State nor the people of the county. The paving and cleaning of streets, the management of the fire department, the construction of parks—these for example, are some of the things undertaken by every city which do not interest the people living in the country districts or even the people of any other city. The cities of Alabama have many duties

to perform which are wholly of local interest. For this reason the city is permitted to have a local government of its own, in addition to the local government of the county in which it is located.

The town. Still another form of government is provided for towns. Their inhabitants live more closely together than do the residents of the country districts, but towns are not so large as cities and do not find it necessary to have such complicated governments. (See page 146.)

We see, therefore, that under the State government, which regulates the affairs of the whole State, there are three forms of local government—the county, the city and the town. To these local governments, the Constitution and the State legislature give certain powers to regulate local affairs; and as we have seen, they are supported by taxes raised for local purposes. Not only the State government but the local governments also are to some extent divided into the three great departments—legislative, executive, and judicial. Local laws are made, enforced, and interpreted by three separate groups of officers.

QUESTIONS FOR CLASS DISCUSSION

1. Which of the three kinds of local government has your community? If you live in a city or a town, are you subject to your county government? Mention some of the things undertaken in your community which seem to you to be of local rather than State interest. Why are local governments necessary? Why are there three forms? How are they supported? Mention any officers of your community that you know of.

2. Why is the State government necessary? Who determines the powers and duties of the local governments? Does the progress of your community depend more largely upon the State or your local government? Mention any officers of the State government that you know of.

3. Would the State government or your local government be most likely to make laws on the following subjects: (a) the paving of streets? (b) the building of a schoolhouse? (c) the regulating of a poorhouse? (d) riding bicycles on the sidewalks? (e) fire-escapes on buildings? (f) the placing of wires underground? (g) the speed of street cars? (h) the fencing in of farms and lots? (i) vaccination? (j) the sale of liquors? (k) posting bills on trees or posts? (l) the repairing of roads? (m) the building of a court-house?

CHAPTER X

HOW THE LAWS ARE MADE

80. The Legislature, or law-making body. In Alabama the branch of the government that makes the laws for the State is divided into two bodies, or houses, as they are called. Every measure proposed in either one of these houses must be agreed to by the other before it becomes a law. This prevents laws from being hastily made. One of these houses is known as the *House of Representatives* and the other as the *Senate*. Together they constitute the *Legislature* of Alabama.

The Constitution prescribes that the House of Representatives shall never consist of more than one hundred and five members, and that the whole number of senators shall not exceed thirty-five. The House of Representatives is, therefore, much larger than the Senate. Each county is entitled to one or more representatives according to its population. Our national government at Washington provides for the taking of a census throughout the United States every ten years. (See page 207.) After this census has been taken in Alabama, the Legislature must determine anew how many representatives each county shall have. At present more than half of the counties have only one representative; a majority of the others have two; while the more populous counties of Dallas and Mobile have three each, Montgomery four, and Jefferson seven. As nearly as possible each member of the House represents the same number of people.

For the purpose of electing senators, the State is divided into *senatorial districts*. Some of these districts consist of a single county; others are formed by grouping two or three counties together. The apportionment is made, however, so that senators, like representatives, represent about the same number of people each. Senators and representatives are elected at the same time, in November, of every fourth year, and they serve for a term of four years.

The Legislature meets on the second Tuesday of January following the November elections—that is to say, the Legislature comes together only once in four years. In the past it has sometimes happened that the Legislature would dally over the making of laws for a long period of time without accomplishing very much. This was a great expense to the people of the State, since our law-makers are paid for their time and services. The Constitution now requires that the Legislature shall close its session after fifty days. Extra sessions, however, may be called by the Governor under extraordinary circumstances.

81. How the Legislature is organized for business. The Constitution gives each house of the Legislature the power to choose its own officers, and to determine the rules by which its debates and other affairs must be conducted. The one exception to this is that the Lieutenant Governor of the State (see page 115) must preside over the Senate. The presiding officer of the House of Representatives is called the *Speaker*. His position is one of great importance and influence, for it is he who chooses the committees to report on laws that are proposed. In addition to the presiding officer there are a number of other officers and clerks in each house.

Each member has his own desk, and these desks are arranged in rows facing the presiding officer's chair. Visi-

tors are usually prohibited from coming upon the "floor" of either house. Galleries are provided, however, to which the public is freely admitted.

82. How a measure becomes a law. Nearly every member who is elected to the Legislature comes with the idea of getting certain measures enacted into laws. Sometimes the people who elect him express their desire to have this or that law passed. Sometimes an individual citizen asks a member to present a proposition for a law. Frequently also the Governor and the other important officers, who are thoroughly in touch with the needs of the State, desire certain laws enacted.

Formerly when the business of the government was less complicated than it is today, it was the usual custom for any member to propose a measure and have it discussed before the house. As time went on, however, and business increased, it became necessary to adopt some other method. It was found that the time of the Legislature was consumed in the discussion of many unimportant propositions, while others of vital interest were delayed because of the general confusion and the lack of time. The system adopted to remedy this evil is known as the *committee system*. Let us see what the committee system means.

Each member of either house still has the right to introduce any measure that he sees fit. The measure when introduced, instead of being taken up at once for debate, is referred to an appropriate committee. Provision is made for a number of standing committees in each house, and each committee has for its consideration measures that relate to one particular department of the government's work. In the committee room the proposed measure is talked over and worked over. Later the committee

makes a report to the house, recommending either that the measure be passed or that it be voted down.

When the committee reports a measure, it comes before the house in the form of a *bill*. The house opens debate on the bill after it has been printed and read on three separate days. The bill may be changed by the house in any way, or it may be rejected. The house is largely influenced, however, by the report of the committee which has made a special investigation of the subject. In case the bill is passed in one house, it must then be sent to the other house where it may be approved or voted down.

This is the manner in which every measure proceeds through the Legislature. The committee system makes it possible to handle many propositions in the short term of fifty days. It also provides for a careful consideration of every proposal.

83. What the Legislature may and may not do. The Legislature may pass any law which it is not forbidden by the Constitution to pass, and which does not conflict with the laws made by the national government at Washington. It is necessary for the Constitution to specify only those things which the Legislature may *not* do. Chief among the restrictions placed upon the Legislature are those which secure to the people certain privileges, such as the freedom of speech and religion, and the right not to have property taken from them by the government without just compensation. (See chapter IV.)

The Legislature is also prohibited from passing what is known as "special acts" in regard to a long series of subjects. This is to prevent the time of the law-makers from being taken up in enacting laws for a particular locality, or a special individual, and also to secure to every person in the State equal rights before the law.

Aside from these restrictions upon its powers, the Legislature may pass any act it pleases. It is not necessary for us to examine in detail what the nature of these laws is. It is sufficient to say that they regulate, among numerous other things, business relations, property relations, and the marriage relations of the people of the State, and provide for the raising of taxes, the educational interests, and the affairs of railways and other corporations.

84. Where the Legislature meets. Long ago you learned in your study of geography that Montgomery is the capital of the State of Alabama. This means that the Legislature and the principal offices of the State government are located at Montgomery. In a handsome park, beautifully laid out, and containing a splendid monument to the soldiers and sailors of the Confederacy, stands the capitol building in which the Legislature holds its sessions. (See frontispiece.) The main portion of this building was completed in 1851. Within its walls have been heard most of the distinguished men who have figured in the history of Alabama. Here, too, delegates from the seceded States met in February, 1861 and organized the Confederate States of America. On the portico of this building Jefferson Davis took the oath of office as President of the Confederacy, and here the Confederate Congress sat until the removal of the capital to Richmond, Virginia. Because of its age and the many historical associations that cluster about it, this building has become very dear to the people of Alabama. With the growth of the business of the government, however, it became entirely too small for the needs of the government, and a few years ago it was found necessary to add a large wing to the structure. Another wing will doubtless be added later, but the original building will be preserved.

85. Influences upon our law-makers. When a man has been chosen to the legislature as the representative of some community of the State, many people suppose that it is a very simple matter for him to determine what measures will be for the best interests of the people, and for him always to vote honestly and intelligently. Perhaps it ought to be, but as a matter of fact a great many influences are brought to bear upon members of the legislature of which most of us know very little. In the first place, a member usually desires to be re-elected at the end of his term of office. Sometimes the voters who have elected him are controlled by a man known as the *political boss* of the community. The member realizes that he must, to some extent at least, act so as to please this boss if he is to hope for re-election.

Then again, when a measure is proposed that is disadvantageous to some large corporation, or to the people engaged in a certain kind of business (as for instance the liquor business), all sorts of efforts are made to induce the law-makers to ignore the interests of the people. Shrewd lawyers and other crafty men are sent to Montgomery to use their influence upon the members of the legislature, and to convince them, if possible, that the proposed measure is *not* for the interests of the people. This is called *lobbying*. Many bad laws are made, and many good measures fail to be enacted by reason of the influence which these wicked *lobbyists* frequently use. You must not think, however, that all lobbying is of this sort. Many good men also go before the committees of the legislature and lobby with its members to secure the passage of wise laws.

Again, the law-makers are severely criticised by the newspapers, and sometimes this criticism is unjust. It is a very difficult matter for a man in public life to please

everybody and to do only what is right. Our law-makers have no easy task. If some of them do not serve the people as they should, we ought to remember that we are partly responsible for this. It is the duty of the people in every community to choose as their representatives in the law-making body of the State the most intelligent and the most honorable men that can be induced to serve. And it is the duty of a member thus chosen to follow his sound judgment on every question before him.

QUESTIONS FOR CLASS DISCUSSION

1. Into what two bodies is the Legislature of Alabama divided? Does your county constitute a senatorial district by itself? If not, find out what other counties are grouped with it to form a senatorial district? How many senators does each district have? Find out how many representatives your county has in the House of Representatives? Do you know the name of any of the present representatives?

2. Find out, if you can, the name of the present senator from your district? How many senators are there at present? How many representatives?

3. Who presides over the Senate? Over the House of Representatives? Have you ever been to the capitol building at Montgomery? If so, describe the park. Describe the building. If you have seen the chambers in which the houses meet, describe them. Have you ever seen the houses in session?

4. Suppose you desired to have a certain law passed, how would you go about it? Explain in full how such a measure would become a law after being introduced into one of the houses by some member. What is meant by the committee system?

5. What is meant by a political boss? What is meant by lobbying? Explain how the bosses and lobbyists hinder and corrupt the law-makers. How can the people of any community prevent this?

6. When does the next regular Legislature meet? How long will it probably sit? Why is the length of the sessions of the Legislature limited by the Constitution? How may an extra session be called? Do you ever remember such a session? Why was it called?

CHAPTER XI

HOW THE LAWS ARE PUT INTO OPERATION

86. The chief executive officers. After the laws have been passed by the legislature, it is necessary that there should be officers to see that these laws are carried out. The enforcement of both State and local laws is intrusted very largely to local officers chosen in the various communities of the State. Take, for example, the assessment and collection of the taxes imposed by the Legislature; these matters are attended to by county and city officers. It is the city police or county officers who arrest offenders who violate the laws of the State that protect life and property. In the actual enforcement of the laws, the individual in any community usually comes in contact with county and city officers rather than State officers. In addition to these, however, there are certain officers at Montgomery whose duty it is to see that the various acts of the Legislature are properly executed.

Chief among the State officers is the Governor. We look upon him as the head of the executive department of the government—that is, the department which puts the laws into operation. (See page 103.) But the Governor is not the only executive officer of the State. Certain duties and powers are assigned to other officers. Among the most important of these are the Lieutenant-Governor, the Secretary of State, the Attorney General, the State Treasurer, the State Auditor, the State Superintendent of Education, the Superintendent of Agriculture and Indus-

tries, and numerous commissions and boards. Let us see how the various officers are chosen and what their duties and powers are.

87. The Governor. During the period of our history when Alabama was a territory, the Governor was appointed by the President of the United States; but ever since Alabama was admitted to the Union, our Governor has been elected by the people. At present he is chosen by the voters of the State at the same time in November when the members of the Legislature are elected. The Governor serves for a term of four years, but no Governor can be elected to succeed himself in office. At the same time that he is elected, another officer call the *Lieutenant Governor* is chosen, who, in case the Governor dies or for any reason is unable to perform his duties, take the place of the Governor.

Large powers are given to the Governor, and many important duties are laid upon him. He must be a man of great force and great ability. Not only this, but the Constitution requires that he shall have been a citizen of the United States for at least ten years, that he shall be thirty years old, and that he shall have resided in Alabama for seven years preceding his election.

88. Powers and duties of the Governor. The Governor's powers and duties are outlined in the Constitution of the State. From time to time also the legislature lays duties upon him in connection with the work of carrying out the laws. The Constitution says that he "shall take care that the laws be faithfully executed." This does not mean that he is to superintend every policeman or other minor officer whose duty it is to execute the laws. It means simply that he shall stand ready to use the forces at his command in order that the laws shall be properly

observed throughout the State. The Governor's powers and duties are various. Perhaps it may be well for us to classify them.

1. *The Governor's power over legislation.* By reason of his position at the head of the government, the Governor is usually more or less in touch with the needs of the State, and with matters which ought to be brought to the attention of the Legislature. He is required, therefore, to send a *message* to the Legislature when it assembles. In this message he recommends certain measures which he thinks ought to be made laws. He must present also an estimate of the amount of money needed for carrying on the government in order that the Legislature may be able to provide this money by laws for raising taxes. During the session of the Legislature he is usually in constant communication with the law-makers, giving them his advice upon measures and bills that come up for consideration. He is empowered also, in case he deems it necessary, to call at any time an extra session of the Legislature.

Before any bill that has passed both houses of the Legislature can become a law, it must be signed by the Governor. If he does not approve the bill, he may refuse to sign it—or, as this is generally called, he may *veto* it and return it to the Legislature with his objections to the measure. In case the Governor vetoes a bill, it cannot become a law unless it again passes both houses of the Legislature by a majority vote of *all* the members elected to each house. If the Governor does not return the bill within six days after it is submitted to him, it becomes a law without his signature. You see, therefore, that the Governor possesses a great deal of power and influence over the making of our laws.

2. *The Governor's power to supervise other officers.* It is the duty of the Governor to keep himself informed as to how the other officers of the State are performing their duties. He may require any information of them, or he may at any time inspect their books. Most of the officers of the State are required to make regular reports to him.

3. *The Governor's power over the militia.* In the various communities of the State, volunteer militia companies are formed; and citizens residing in these communities, usually the young men, become members of these companies. Together these companies constitute the *militia* of the State and are known as the *Alabama National Guard*. Ordinarily they have no active duties to perform. Sometimes, however, when a riot breaks out, or a mob arises, or a strike becomes threatening, it is the duty of the Governor to call out the militia and send them in haste to the scene of the disorder. (See page 31.) By the Constitution the Governor is made commander-in-chief of the military force of the State.

4. *The Governor's pardoning power.* Sometimes persons are convicted of crime against the laws of the State and are sentenced to punishment. For one reason or another it may be brought to the Governor's attention that a person so convicted ought not to be punished to the full extent of his sentence. The Governor has the power to pardon, to shorten the sentence, or to remit the fine of any one convicted of violating the law. He does this only in exceptional cases; he does not allow those who ought to be punished to play upon his sympathies. But when once a case has been finally decided in the courts (see page 128), it is impossible for the courts to take it up again; and it is very necessary and proper that some one should have the power to pardon.

89. The duties of the other executive officers. 1. *The Secretary of State's* duty is to assist the Governor in various ways and to keep a record of his acts. He attends also to the publication of the laws passed by the Legislature, and keeps many of the records of the State. Certain other duties are laid upon him by law, but it is unnecessary for us to inquire into them. 2. *The Attorney General* is the chief law-officer of the State. It is his duty to give his opinion to the Governor and other State officers on questions of the law; and in case the State of Alabama sues or is sued, he represents the State before the courts. 3. *The State Treasurer* receives all the funds belonging to the State and has the power to pay out from the treasury such money as he may be properly authorized to pay. 4. *The State Auditor* has charge of all claims made against the State. It is the Auditor, therefore, who in most cases issues the orders upon which the Treasurer makes payments. He has many other important duties in connection with the keeping of State accounts. 5. *The Commissioner of Agriculture and Industries* gathers information in regard to the climate, soil, crops, and minerals of the State, and gives this information to farmers and others desiring it. He encourages and assists the farmer, and he endeavors to show people outside the State the advantages of settling in Alabama.

All of these officers are, like the Governor and Lieutenant Governor, elected by the people in November of every fourth year, and they serve for a period of four years following. They must have been citizens of the United States seven years, residents of Alabama for five years, and at least twenty-five years old at the time of their election. Like the Governor, too, none of these officers can be elected to succeed himself in office.

In addition to these officers, there are a number of less important State officers, most of whom are appointed by the Governor alone or by the Governor with the approval of the Senate. There are also a number of boards and commissions that assist in various ways in putting the laws of the State into operation. Perhaps the most important of these is the Board of Railroad Commissioners, the three members of which are elected by the people for a term of four years. (See page 74.)

90. How the public school system is organized. The chief executive officer of the public school system in Alabama is the *State Superintendent of Education*. He is elected by the people at the same time and for the same term as the Governor. His duties are so numerous and varied that it would be impossible to describe them briefly. He exercises a general supervision over the entire public school system of the State and seeks in every way to encourage the improvement of schools and to awaken interest in public education. He exerts his influence with the legislature to secure appropriations for the schools and to have wise laws enacted in the interest of the public school system.

The *State Board of Examiners* consists of the Superintendent of Education and two experienced teachers appointed by him. It is the duty of this board to prepare examinations for those who desire to teach in the public schools of Alabama, to examine the papers of all applicants, and to issue licenses to those who pass successful examinations. Except in Mobile county, every teacher in the public schools of Alabama must hold a license issued by this board.

The State Superintendent and the State Board of Examiners are the principal State executive officers of the

public school system. In addition to these, there are in each community of the State local officers whose duty it is to supervise and provide for the schools. Let us see how the local school authorities are organized.

Provision is made by which each county of the State is divided into a number of school districts. Once every four years the voters of each district meet in the district schoolhouse and elect a *board of district trustees* consisting of three members. One of these members is elected chairman of this district board. Soon after their election the chairmen of all the district boards of the county assemble at the county court-house and elect four *county trustees*. A *county superintendent of education* is elected by the people of each county. The county superintendent and the four county trustees constitute the *county board of education*. This county board has almost entire control over the public schools of the county.

The teachers for each district school are chosen by the board of district trustees with the approval of the county board of education.

In cities and towns special provision is made for the management of the public schools. The *city board of education* consists of five members elected by the city council. (See page 146.) The *city superintendent of schools* is chosen by this board, which also appoints teachers and provides in general for the management of the public schools in the city. In towns of less than one thousand inhabitants the board of education is elected by the people.

You see, therefore, that Alabama has provided a very elaborate system of officers for the regulation of matters relating to the public schools. Under our system, how-

ever, the real responsibility for the management of your school falls largely upon officers chosen in your own community.

QUESTIONS FOR CLASS DISCUSSION

1. If the State Legislature lays a tax upon certain property throughout the State, what officers in your community would put this law into execution? If a man commits a crime in your community, is he arrested by a local or a State officer? Has he violated a local or a State law?

2. Who is the present Governor of Alabama? How and when was he chosen? How much longer has he to serve? Do you know anything about his life? What qualifications as to age, citizenship, and residence must he possess?

3. What is meant by the Governor's message? Why does the law require him to send a message? What is meant by his veto? How may it be overcome?

4. What control does the Governor have over the other executive officers? What is his position in the militia? What is meant by his pardoning power? If he should die in office, who would succeed him? What duty has the Lieutenant-Governor? (See page 108.)

5. Mention some of the other executive officers at Montgomery. Tell how each of them is chosen and what you know of their respective duties.

6. Describe how the public school system of the State is organized. Who is the present Superintendent of Education? When and how was he chosen?

7. Who is the superintendent of education in your county or city? How is he chosen? What are his duties? How many members has your county or city board of education? How are they chosen? Do you know any of the present members? Who appoints teachers in your community? What qualifications must they have?

CHAPTER XII

HOW THE LAWS ARE EXPLAINED AND APPLIED

91. **The necessity for courts of law.** We have already seen how the laws in Alabama are framed and passed by the Legislature. We have seen, too, that there is a group of officers, with the Governor at their head, whose duty it is to put these laws into execution. These legislative and executive departments of the government, however, are not sufficient completely to carry out the plan of the government.

You can easily understand how people will sometimes differ in opinion as to what the law really means, and how laws may sometimes conflict with one another. Moreover, it is often very difficult to find out the truth about a matter to which the law is supposed to apply. For instance, a dispute may arise as to which of two parties owns a piece of property; each party may claim that he has the right to it under the law. Similar disputes might arise over a debt, or over an agreement or contract between two parties. These disputes may be very complicated, involving many points to be considered.

Suppose a man is accused of some offense against the laws of the State, as for instance, robbery or murder. Whatever punishment is to be inflicted upon him will depend on two things. First, it will depend on the facts of the case, involving the question of whether he really committed the crime, and if so, whether it was partially or



SCENE IN A COURT ROOM

At the desk in the center sits the judge. To his right and left are the sheriff and the clerk of the court. To the right of the picture, with his back to the foreground, sits the prisoner. The other men grouped about the judge's desk are the prisoner's lawyers, the circuit and the county solicitor. To the left of the picture on a platform sit the twelve jurors.

wholly justifiable. Second, it will depend on what particular law in regard to punishment will apply to the circumstances under which the crime was committed.

Now it must be very clear to you that every time an attempt is made to apply the law to a particular case, many questions must arise in regard to the facts of the case and the meaning of the law which is applied to these facts. There must, therefore, be a judicial department of the government, whose duty it is to explain the laws and apply them in particular instances. This part of the government's work is accomplished by means of the courts.

92. How the courts protect us. It is the courts that constitute our strongest protection against injustice. If any individual of the community feels that an injury has been done him by another member of the community contrary to the law, he applies to the courts to determine the matter. If he feels that the officers of the government are overstepping their authority and are trampling upon his rights and liberties, he goes to the courts with his grievance. If a bad member of the community commits a crime, it is the courts that examine into the facts and circumstances of the case and determine what his punishment shall be in accordance with the law. Few people pass through life without on some occasion finding it necessary to seek the assistance or the protection of the courts.

93. The system of courts in Alabama. As we have just seen, the courts of law are the real protectors of our rights and liberties. Because of this, it is a fundamental principle of justice among the English-speaking people that there must be in every community at least one court for the settlement of these perplexing questions of fact and law. That is to say, every man must have this protection within his reach.

The system of courts in Alabama by which this is accomplished is somewhat complicated. There are a number of different kinds of courts, each with certain limits to the powers that it may exercise. It is unnecessary for us to examine in detail the powers, or *jurisdiction*, as it is usually called, of these various courts. It will be sufficient for us to get a general idea of the judicial system of the State. There are in the main six classes of courts:

1. *The Justice's Courts.* In every county in the State of Alabama there are a number of *justices of the peace* (see page 137), whose duty it is to hold courts for the trial of petty offenses against the laws of the State and the county. These justice's courts constitute the most numerous branch of courts in the State. It must be remembered, however, that they have authority to try only such petty offenses as are punishable by small fines or short terms of imprisonment in jail. They can also determine disputes in regard to property and debts where only small amounts are involved. In most instances, even after a case has been decided in these lowest courts of the State, the law provides that it may be carried to the next higher court, and there be reviewed.

2. *The County and Probate courts.* Next above the justice's courts are the county courts. Each county has a county court, with power to try persons accused of offenses which are not so serious that the punishment may be imprisonment in the State penitentiary. The county court is usually presided over by an officer known as the *judge of probate*, who also holds the probate court in the county. The probate court is what is known as, the "court of record" in the county—that is, it is the court in which all transfers of property, all mortgages on property, all wills, marriages, and like matters are recorded.

3 *The City Courts.* In certain cities there are a number of officers known as *recorders* with the power to hold courts. These recorders have judicial powers within the city similar to that exercised by the county courts. They also have the powers of justices of the peace, except that they cannot try cases arising over small debts, property, and the like. City courts try chiefly persons accused of violating the laws of the city.

4. *The Circuit Courts.* Next above the county and city courts are a number of courts known as circuit courts. For this purpose the State is divided into sixteen *judicial circuits*. Each circuit consists of a number of counties, usually not less than three. The court of any circuit is held at least twice a year in every county of the circuit; and from the fact that it moves from place to place it takes its name, the "circuit" court. It is this court which has the authority to hear by far the larger number of cases that arise. In cases arising out of disputes over property, debts, and the like, the law provides that they must involve a certain amount of money in order for them to be brought before a circuit court. This court also has the power to try persons accused of crimes, whether petty or serious. Usually, however, small cases and trials for petty offenses are left to the justice's courts and to the county and city courts. After trial in these lower courts such cases may as a rule be brought to the circuit court for review.

5. *The Chancery Courts.* A court known as the chancery court is held twice a year in each county of the State. For this purpose the State is divided into five *chancery divisions*, a number of counties being grouped together in each division. Each chancery court is presided over by an officer call a *chancellor*. It is impossible to explain to you clearly the kind of cases which may come before

these courts. To understand this would require some knowledge of the study of law.

6. *The Supreme Court of Alabama.* At the top of our complicated system of courts stands the Supreme Court of Alabama. This court has the power to hear cases that have been already tried in the circuit and chancery courts. These cases are brought up, or "appealed" as it is called, by the party who is dissatisfied with the decision of the lower courts.

The Supreme Court consists of seven judges. Its sessions are held in the Capitol at Montgomery during the greater part of the year.

94. The judicial officers of the State. As we have just learned, the justice's courts are held by justices of the peace, the city courts by officers called recorders, and the chancery courts by chancellors. The presiding officers of all other courts are called judges.

With the exception of the recorders, who are chosen by the city councils, every judicial officer in Alabama is elected by the people whom he serves. As we shall see a little later (see page 151), each county of the State is divided into precincts, or "beats" as they are commonly called, for the purpose of holding elections; and in each precinct two justices of the peace are elected by the people for a term of four years. The probate judge is elected by the voters of his county for a term of six years. The circuit judge is elected by the voters of his circuit for a term of six years. The chancellor is elected by the voters of his chancery division for a term of six years. The judges of the Supreme Court are elected for a term of six years by the voters of the entire State. With the exception of probate judges and the justices of the peace, it is provided that the judges in all of these courts shall be men

trained in the law. It is provided also that their salaries¹ shall not be diminished during their term of office. This is in order to prevent the Legislature from gaining any control over the honesty and impartiality of the judges of the State, by refusing to continue their salaries.

95. How the law proceeds. You may perhaps wonder how one individual proceeds when he feels that it is necessary for him to call on the courts for assistance in maintaining his rights against some other individual. If he ascertains that the law is probably in favor of his claim, he usually places the matter in the hands of a lawyer, who brings it before the proper court at the proper time, and in accordance with the regulations prescribed for such proceedings. The other party concerned generally employs a lawyer to represent him; and the matter is fought out between these lawyers in the presence of the court. The facts are all heard, the law is interpreted and applied, and a decision is rendered. Such a case as this is called a *civil suit*. You must understand that in such a suit no *person* is on trial.

In case an individual is arrested and accused of some crime, he usually employs, or else the government gives him, a lawyer to represent his cause before the court. Opposed to this lawyer is an officer who is himself a lawyer representing the community. In cases coming before the circuit court, this officer is called the *circuit solicitor*. He is elected by the people in each judicial circuit, and he appoints to assist him a *county solicitor* in each county of his circuit. It is the duty of the solicitor to bring out before the court all the fact that will help to show the guilt of the prisoner. You see, therefore, that we again have two lawyers struggling with

¹Probate judges and justices of the peace are paid by fees for the services which they perform.

each other in the presence of the court on opposite sides of the question to be decided. Such a case as this, in which a person is being tried for a crime of which he is accused, is called a *criminal case*. In any criminal case the government itself, represented by the circuit or county solicitor, is one of the parties concerned. A man who has committed a crime has really committed an injury against the whole people of the community, and the government must punish him if his guilt can be proved.

96. Trial by jury. You remember that in the beginning of our study we discussed the various operations of the government which aim to protect the individual in his life and liberty. (See pages 25, 48.) And we mentioned the fact that when any member of a community is accused of crime, the government must grant him certain rights in regard to his trial. Among these we spoke of his right to a trial by jury. What does this mean? It means simply that the individual who is called upon to defend his rights or himself in court has in all important cases the right to have a decision on the facts of his case rendered by a group of men chosen from among his fellow-citizens. This group usually consists of twelve men and is known as a jury. Trial by jury arose out of the notion that a man's fellow-citizens would be more apt to give him justice than would an officer of the government. Hence, while it is the judge of the court who explains and interprets the law for the jury, it is the jury that decides upon the facts of the case and renders the verdict.

The right of trial by jury is one of our most sacred rights. We should cherish it and uphold it in every way possible. It is true that jury service is sometimes inconvenient; it may seriously interfere with a man's business. For this reason, many men seek to evade the law which re-

quires them to serve on juries when they are called upon. These very men may some day find themselves at the mercy of a jury; they would then be eager for competent and intelligent jurors. We should look upon jury service as a duty that we owe to our community and to our fellowmen. We should not let it be said that in our community juries are frequently composed of men of no employment and of little ability.

97. The grand jury. In many important cases the law provides that before a person can be tried for an offense which he is supposed to have committed, he shall be *indicted* by a grand jury. This means that a group of men consisting of not less than fifteen nor more than eighteen must investigate the evidence of his guilt. If this grand jury finds the evidence sufficient, the accused person is formally charged with the crime, or indicted, as it is called, and is held for trial. If the evidence is found to be insufficient, he is dismissed.

QUESTIONS FOR CLASS DISCUSSION

1. Suppose a dispute arises between two persons over a debt, how is it usually settled? Suppose a man is arrested for stealing, who determines his punishment? Why are the courts necessary? How do they protect us from injustice?

2. Have you ever been in a court room? If so, describe it. Do you know the names of any justice of the peace in your neighborhood? Where is his court held? If a man is arrested for fighting in your community, before what court would he be taken?

3. If you live in a city, try to find out how many courts there are in your city. What is a recorder? Find out where the circuit court sits in your county. The probate court. The county court. Who presides over each of these courts? Are there any other courts in your county?

4. Describe the system of courts in Alabama. How are the judges of each court chosen? For what term? Why may not the legislature diminish their salaries?

5. What is the highest court in Alabama? How many judges sit in it? How are they chosen, and for what term? Find out the names of the present judges of the Supreme Court.

6. Explain how in every case, whether civil or criminal, there are lawyers on each side of the question. What is the duty of the solicitor? Find out, if you can, who is the circuit solicitor in your judicial circuit. The county solicitor. ,

7. Explain what is meant by the jury trial. Why is it a duty to serve on juries? How are we protected by the right of trial by jury?

8. What is meant by an indictment? Who brings the indictment? Did you ever hear of an indictment being brought against some individual? Of what offense was he accused? Find out, if you can, how often a grand jury sits in your county.

CHAPTER XIII

HOW THE COUNTIES ARE GOVERNED

98. **What the county is.** Many of us cannot remember the first time that we ever heard of counties. In our geographies we learned that Alabama is divided into sixty-seven counties, each with its own name; and every one of us lives in some one of these counties. What do we mean when we speak of a county? As we have seen (see page 104), certain matters of interest to the people can best be attended to by the different local communities. And although counties did not originate for local purposes, this is the reason why they exist today.

County government dates back to a very early period in the history of England—in fact to a period when there was no king at all over the whole of England. When the settlers came over to America and established the colonies of Virginia, the Carolinas, and Georgia, they simply transplanted to these colonies the county form of local government to which they had been accustomed in England. When the Mississippi Territory was formed (see page 96), county government was extended to the soil of Alabama, for those who settled this region came largely from the older Southern States. With some changes in its form, the county still exists among us for the purposes of local government. Before we take up the study of our present county government, let us see why it was that the settlers adopted this kind of government.

99. How the geography of Alabama affected our government. You will doubtless recall that most of the settlers who came to Alabama in the early days of its history were attracted by the profits they hoped to make out of the cultivation of cotton. Many of them obtained large grants of land from the government. When they reached the territory, they found that it contained a number of fertile river valleys. The result was that these landowners, or planters, as they were called, usually established their plantations upon large tracts of land bordering on some stream. There they cultivated cotton on a large scale. You see, therefore, that from the very beginning Alabama, like the rest of the South, was split up into large plantations. In consequence, the people lived far apart from one another. Now this fact had an important influence upon the kind of government that developed in the South. You will perhaps understand this better if we turn for a moment to see what kind of government developed among the New England settlers.

The people who settled New England came over to this country largely that they might enjoy religious freedom. They came, therefore, in congregations or groups rather than as individual adventurers. The climate and the geography of New England, unlike Alabama, did not permit them to separate and settle on large estates. They built their homes close around the church and schoolhouse. Under such circumstances it was natural for them to adopt a popular or democratic form of government. All the inhabitants of each community met together and decided what their laws should be, and who should be their officers. This form of local government still prevails in New England, and in a somewhat different form it has been adopted

in the West. It is known as *township government*, and the assembly of the people is called the *town meeting*.

Now it must be very evident to you that, with the people scattered widely apart as they were in Alabama, it would have been impossible for such a form of government to have arisen. How could the people of a large county come together for the purpose of making laws? Instead of the township government, the county form of government was adopted in Alabama, as it was adopted throughout the South. A county covered a large area, including many plantations; and the people, instead of voting directly, chose representatives to determine all matters of local interest and concern. Let us see how the county is organized today for the purposes of local government.

100. What powers the county may exercise. It is important for you to bear in mind that the county may do only those things which the Constitution and the Legislature of the State permit. Ordinarily the county attends to such matters as the building of roads and bridges, the assessment and collection of taxes, the care of the poor, the preservation of the peace, by arresting those who violate the laws, the quarantining of contagious diseases, the management of the public schools, and the building of the court-house and other county buildings. These are not all of the duties which fall to the county governments, but they are among the most important. Nor are all these things attended to wholly by the counties. For instance, the State government both assists and controls the counties materially in educational matters.

101. The court of county commissioners. Each county is divided into four districts known as *commissioner districts*. Once every four years, in November, the voting people in the district elect a commissioner for the district. The

commissioners of the four districts, together with the county judge of probate, constitute what is known as the *court of county commissioners*. The law gives to this court the power to make such rules and regulations as may be necessary for the county. It provides for the building and repairing of the roads and bridges, levies taxes for county



Lee County Court-House, Opelika, Alabama

purposes, borrows money, and builds the court-house, the jail, and the poorhouse. Indeed this court has general control and direction of the affairs of the county. In a few counties the court of county commissioners is known as the *board of revenue*.

102. The county officers. In addition to the court of county commissioners, which may be called the legislative

body of the county, there are a number of other officers elected by the people for a term of four years, and two, the probate judge and the clerk of the circuit court, for a term of six years. Let us see what officers are provided for the county.

1 *The probate judge*, as we have seen, is the officer who presides over the probate and county courts. He is also chairman of the court of county commissioners. The probate judge is one of the most important officers of the county. 2. *The treasurer* of the county, as his name implies, is the officer who receives all money due the county, and who pays out such amounts of it as he may be empowered by law to pay. All taxes that are collected for the county are turned over to him. 3. *The sheriff* of the county is the officer who has charge of the county court-house and jail, and whose duty it is to assist in preserving the peace by arresting criminals. He attends the courts which meet in his county and carries out their orders. He is the most important executive officer of the county, having many other duties laid upon him by the law. Although the sheriff is elected by the people of the county, he is in reality an officer of the State government. His duty is to execute the laws of the State within the county. 4. *The deputy solicitor* is the law officer of the county, whose duty it is to prosecute criminals. (See page 128.) He also assists the court of county commissioners and the other county officers in the performance of their duties by giving them his opinion on questions of the law. The deputy solicitor is not elected by the people, but is appointed by the circuit solicitor, whom he assists in the county. 5. *The clerk of the circuit court* is the officer whose duty it is to keep the records of the circuit court for the county. 6. *The justices of the peace.*

as we have already learned (see page 125), are the officers who hold the lowest courts in the State. As their name indicates, it is their duty to assist in the preservation of the peace. Two justices are elected in each voting precinct, or "beat." 7. *The constable's* chief duty is to arrest persons accused of violating the laws and otherwise to assist in preserving order. He carries out the orders of the justice's court. One constable is elected in each voting precinct. 8. *The tax assessor* of the county is the officer whose duty it is to make out the lists of property for taxation. 9. *The tax collector* of the county is the officer who collects both State and local taxes within the county. He reports to State Auditor the amount of taxes due the State, and forwards the money to State Treasurer. There are also in every county two *surveyors*, a *superintendent of education* (see page 120), one *coroner*, and other minor officers, whose duties are prescribed by law. These assist in various ways in carrying out the scheme of county government.

103. The importance of county history. There is scarcely a county in Alabama that has not produced its great men. Some of these are only of local reputation, but in many cases they have played important roles in the history of Alabama and the nation. Moreover, some counties have been the scenes of famous battles and other important incidents of our history. It ought to be our pride to know of these things. We should be eager to learn something of the history of our county and the share it has had in the history of the State. We should cherish the names of our great men and perpetuate their memory. Would it not be well if the public schools in every community were named after the great men of the locality?

QUESTIONS FOR CLASS DISCUSSION

To the Teacher. The teacher of rural schools should, if possible, elaborate the outline of county government contained in this chapter, seeking especially to localize the pupil's interest in the government of his own county. The following meager questions will naturally arouse more interest and discussion among county pupils than among city pupils. The exact opposite may be said of the following chapter.

1. In what county do you live? Describe its situation in the State. Try to find out something about its history: when was it settled, when did it become a county, how did it receive its name?

2. Explain how geographical conditions in the South gave rise to the county form of local government. What is meant by township government? Where did it flourish and why? Why did it not develop in Alabama and the rest of the South?

3. What are some of the powers which your county government exercises? How is the court of county commissioners formed? What are its powers? Find out who your district commissioner is? When was he elected? How long has he yet to serve?

4. Find out, if you can, who is the present treasurer of your county? The probate judge; the sheriff; the circuit and the county solicitor; the clerk of the circuit court. How many justices of the peace are there in your precinct? Constables? How are these various officers chosen? What is their term of office? Which serve for six years?

5. What great men has your county produced? Which of them were local, which of State, which of national reputation? What do you know of their lives? Are their names commemorated in any way in your county? Can you think of some simple ways by which they might be commemorated?

6. What important incidents of history have taken place in your community? Are these incidents commemorated? How?

CHAPTER XIV

HOW THE CITIES ARE GOVERNED

104. The growth of cities in Alabama. Sometimes you have perhaps wondered why no very large city has developed in Alabama. In other parts of the United States cities have in some cases grown to enormous proportions in a comparatively short time. In 1830, Chicago was almost a wilderness, while Mobile had a population of 3,194. Today, the population of Chicago is approaching two millions, while that of Mobile is only in the neighborhood of fifty thousand. How can we account for this slow development of cities in Alabama and the rest of the South?

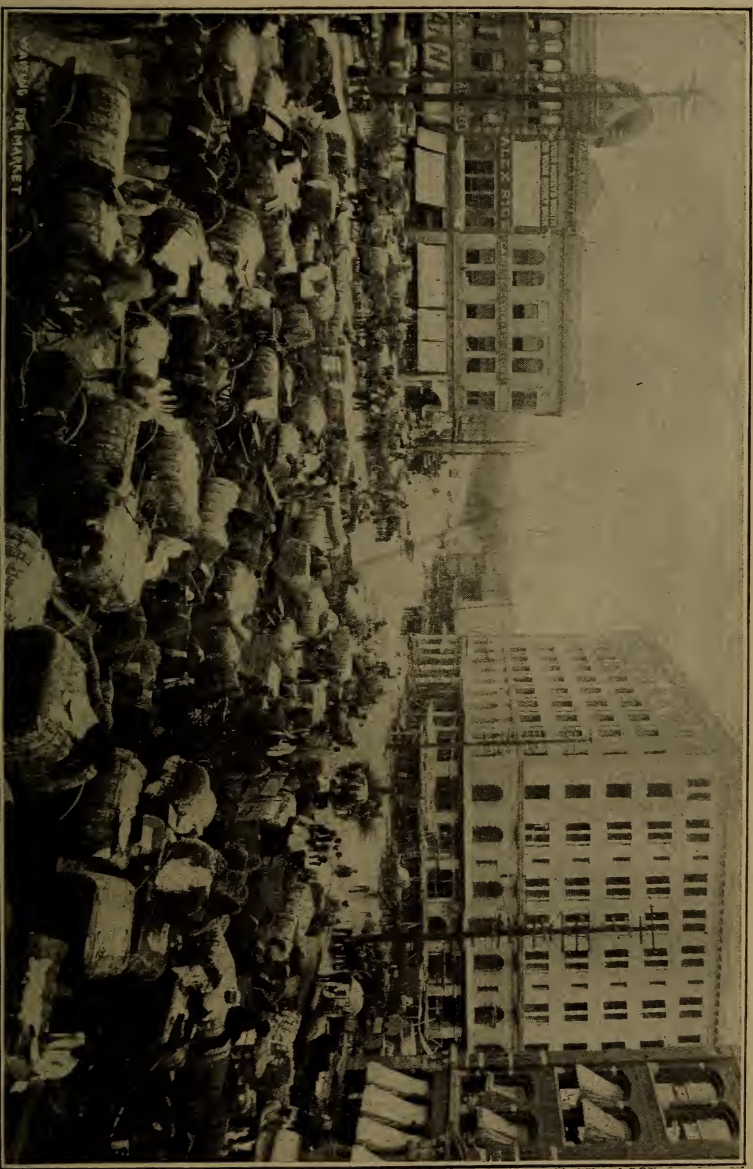
We have already noted the fact that Alabama was settled in large plantations and that society was divided into three classes with the slaves at the bottom. (See page 56.) Under the direction of the white population these slaves made good farm laborers. They were not trained, however, for labor of a higher character; and while slavery existed, no large number of them could have been taught to run the complicated machinery used in manufacturing. As you know, people in cities do not expect to earn their living by farming. They support themselves by manufacturing and trading. It was impossible for the people of Alabama to establish large cities because the slaves could not profitably be employed in manufacturing industries. You see, therefore, how it was that slavery prevented the development of manufactures in the South and the consequent growth of

cities. Since the emancipation of the slaves, cities in Alabama, as well as in the rest of the South, have begun to grow more rapidly than formerly. But the whole South has been retarded in this development by reason of the terrible destruction that resulted from the War between the States. Moreover, it takes time to change a considerable portion of the population from agricultural to manufacturing pursuits.

In recent years cities have been developing very rapidly in Alabama. The population of Mobile increased 32 per cent. between 1880 and 1900, and that of Montgomery 81 per cent. Birmingham in 1880 had a population of 3,086, in 1900 it had increased to 38,415. The population of Birmingham and the region immediately around it is today probably more than 100,000.

105. City problems. In the earlier part of our study we noticed that city governments undertake many things for the people of city communities that are unnecessary in rural communities. It is hardly needful to explain why this should be the case. Where so many people live close to one another, they are forced to use the same streets, the same trolley cars, the same facilities for lighting their houses and getting water, as well as many other things in common. The government must provide for the maintenance of these things for the common welfare of all.

As a result of these conditions, it has been found necessary to provide for the cities a different form of government from that which is given to the counties. City governments must be so organized that the cities can provide in many ways for the health, the welfare, and the happiness of their inhabitants. Streets must be laid out, paved, and kept clean. Parks must be provided, in order that the city may be beautified, and that its inhabitants may have con-



CONGESTED TRAFFIC IN COURT SQUARE, MONTGOMERY, ALABAMA

venient places for recreation. The police force must be maintained for the protection of life and property and for the enforcement of the laws. The streets must be lighted, water must be provided, fire departments maintained, a system of sewerage installed; schoolhouses, city halls, and jails must be built. These and many other things the city must undertake. And as you may imagine, all these undertakings call for a complicated system of government and many officers. Let us see in a general way how the cities of Alabama are governed.

106. What is meant by the city charter. Before the adoption of our present Constitution, the legislature was accustomed to grant to every city of the State a *special charter*. Each of these charters was a document providing in detail how the city government should be organized, how the city laws should be made, the names and duties of its officers, and the powers which the city might exercise. Under these charters the form of government in one city was in many respects quite different from that in another city, since the charters granted by the legislature were not always identical. By the terms of the Constitution of 1901, the legislature is restricted in its power to issue special charters to cities. The laws which the legislature now makes for cities must usually be general laws—that is, they must apply to all cities alike.

In the summer of 1907 the Legislature of Alabama passed an act providing for the government of all the cities and towns of the State. This act, which is known as the *municipal code*, caused a number of changes to be made in all of the existing city governments, in order that the governments of cities throughout the State might be similarly organized.

This law provides that communities having a population

of more than one hundred and less than two thousand may have town governments, and that communities of more than two thousand inhabitants may have city governments. Cities having more than six thousand inhabitants enjoy greater powers and are given a more complicated form of government than the smaller cities.

107. How the city laws are made. City laws are known as *ordinances*. They are passed by the law-making body of the city provided for by the act of 1907. They relate of course, only to the local affairs of the city. (See page 104.) The law-making body of the city is called the *city council*, and its members are known as *aldermen*. For the purpose of electing these aldermen, the city is divided into *wards* having as nearly as possible an equal number of inhabitants. The inhabitants of each ward are entitled to elect one alderman, but in the smaller cities, two aldermen are elected in each ward. At the same time that the aldermen are chosen, the people of the entire city elect a *president of the council*. In cities of less than six thousand inhabitants the passing of ordinances is not so important a matter as it is in larger cities. The council in such cities consists of only five aldermen, and the mayor of the city is president of the council. City aldermen hold office for a term of two years.

When any resolution is introduced into the city council, it is usually referred to an appropriate committee. After it has been reported by the committee and passed by the council, it must then be sent to the mayor for his signature. If the mayor vetoes the resolution, it cannot become an ordinance unless it is again passed by a majority vote of two-thirds of the members of the council.

One of the most important duties that fall to the city council is the determining of what local taxes are to be

raised for the purpose of carrying on the many operations of the city government. And after this money has come into the city treasury, it is the duty of the council to apportion it among the various departments of the government. There are many other important duties which these city law-makers are called upon to exercise.

Councilmen and aldermen are not paid for their services to the city. They are supposed to be public-spirited men who are willing to give a portion of their time to the management of the city's affairs. Unfortunately they are not always either public-spirited or honest. Shrewd and unprincipled politicians have sometimes been elected to city councils; they have used their positions for their own profit without regard to the city's interests. You can understand, therefore, how important it is for the voting people of every city to inform themselves in regard to those men who become candidates for the city council. It is the duty also of the best men of the community, the men who have made a success of life by honest means, the high-minded and well-informed men, to be willing to give a portion of their time, whenever it is possible, to assist in the government of the city.

108. The mayor and other executive officers of the city. The position of the mayor in the city corresponds somewhat to that of the Governor in the State. He is the chief executive officer of the city and has many important duties and powers. As we have just seen, he has the power to veto all the ordinances passed by the city council. In addition to this, it is his duty to see that the other officers of the city and the departments of the city government, like the fire department and the police department, attend properly to the duties laid upon them by law. And like the Governor (see page 117), he may require reports from

the other city officers. In case he finds an officer negligent in his duty, he may suspend or remove him from office. In cities and towns having no recorder, the mayor also holds the city court, which is usually called the *mayor's court*. In the smaller cities the mayor presides over the council. You see, therefore, that the office of mayor in our cities is a most important one. It should be filled only by a high minded, upright, and well qualified man.



BIRD'S-EYE VIEW OF BIRMINGHAM, ALABAMA

Showing the modern "sky scrapers" of one of the most progressive cities in the South.

The mayor is elected by the voters of the city for a term of two years, at the same time that the city aldermen are chosen. The other executive officers of the city are chosen by the city council. In cities of more than six thousand inhabitants these officers are a *city clerk*, a *city treasurer*, a *city attorney*, and such other officers as the council may deem necessary. These usually include a *tax assessor* and

a *tax collector*, a *chief of police* and a *chief of the fire department*, and one or more *recorders*. (See page 126). As a part of the city government there are also a *health officer*, a *board of education* (see page 120), and in cities of more than 25,000 inhabitants a *police commission*, consisting of the mayor and two commissioners elected by the people. It is not necessary for us to examine in detail the duties of these various officers and boards. It is sufficient for us to know that each of them fills a very necessary place in the working out of the city government.

109. The government of towns. Since cities are usually larger than towns, it is natural that they should have a more complicated form of government. Towns are those communities in Alabama which have less than two thousand inhabitants, and which, at the same time, have been granted a distinct local government.

The government which towns are permitted to establish is in many respects similar to that of cities with a population of less than six thousand inhabitants. Each town has a mayor elected by the voters of the town. The mayor is president of the town council, which consists of five members also elected by the people. The council chooses the town clerk and such other officers as are necessary. In the towns, as in the small cities, it is the mayor who holds the town court.

You must bear in mind that every city and town in Alabama is a part of some county. It is therefore subject to the government of the county in which it is located. It is because of the fact that the city and the town have to provide for many things in addition to those things undertaken by the county that they are permitted to establish local governments of their own.

QUESTIONS FOR CLASS DISCUSSION

1. Try to find out the population of your city, or of the nearest city to you. Is its population said to be increasing? Can you see any evidences of the increase, such as the building of new residences or business houses? What natural advantages has your city? What attracts people to it?

2. Mention some of the things that city governments provide in addition to the things undertaken by the county governments. Why does this difference exist? Explain then why the city government differs in form from that of the county.

3. Explain what is meant by a city charter. When were *special* charters granted to Alabama cities? Can the Legislature grant a special charter today? What is meant by "general" city laws? What is the Municipal Code? When was it passed? What effect did it have on city and town governments in Alabama?

4. How does a resolution introduced into the city council become an ordinance.

5. Find out, if you can, how many aldermen there are in your town or city council (or that of the nearest city or town to you). Are they chosen by wards? If so, how many are chosen in each ward? How are they chosen? When are they next chosen? How long do they serve? How many wards has your city or town?

6. Find out who appoints firemen, policemen, street-cleaners, in your city or town.

7. Mention all of the officers of the city that you know, and find out how each is appointed. How is the mayor chosen? For what term? What are his powers? What kind of man should he be?

8. What should be the qualifications of an alderman? What is the duty of the people in selecting these officers? What compensation does a good alderman get for his services?

9. If you live in a town, tell some of the things that your town government undertakes. What officers does it have? What is the chief difference between towns and cities?

10. Mention the names of all the present officers of your city or town that you can think of.

CHAPTER XV

WHO TAKES PART IN THE GOVERNMENT

110. Why the people of Alabama do not make laws directly. The simplest and most direct method of organizing the government of a community is that in which the whole population of the community meets to make laws and choose officers. This form of government is illustrated in the New England town meeting (see page 134) and is called *democratic*—a word which means government by the people. Surely it is not difficult for you to see, however, that where county government exists, as it does in Alabama, it is impossible for the whole people to come together in a single meeting to determine what their laws shall be. So also in the populous cities such a form of government would be impossible, for no hall could be found large enough to hold the whole population of the city; and if everybody in the city were allowed freely to express his own ideas upon each question that arose, certainly little would be accomplished. If such a form of government is not practicable in counties and cities, it is all the more impossible when it comes to making laws for the whole State. Imagine the difficulty of attempting to assemble all the people of the State of Alabama in one place to make laws!

111. What we mean by representative government. The people in Alabama, as in the other States of the Union, have solved the difficulty by what we call *representative* government. Instead of making laws directly themselves, the

people choose representatives to do this for them. That is why there is in each county a group of representatives known as the court of county commissioners; and in each city, a city council; and for the State as a whole, a Legislature. Each of these representative bodies has the power to make regulations for the people. Not only do the people choose their law-makers in this way, but, as we have seen, they also designate what officers are to execute these laws and what officers are to interpret them. This they accomplish either by direct election, as in the case of the Governor and many other officers, or by giving their representatives the power to choose other officers, as in the case of most city officers. (See page 145.)

112. Why all of us do not share in the government. Now the question arises: does every person in each community of Alabama have an equal share in choosing these representatives? In other words, does everybody in Alabama have the right to vote? For a great many reasons this is not the case; and some of them you can easily understand. It would not be expected, for instance, that the children of any community should have a share in selecting the officers of the government. Nor are the women in Alabama permitted to vote at elections, although, some of the States of the Union give them this right. Again, foreigners who have not yet declared their intention of becoming citizens of the United States, and citizens of other States, who may happen to be temporarily in Alabama at the time of an election, are not permitted to vote. But these are not the only classes excluded from a share in the government.

It is a very unfortunate fact that there are grown men in Alabama who cannot read and write. This is a condition of affairs which we are rapidly overcoming by means

of the efficient system of public education which is now provided for the children of Alabama. Sometimes these illiterate people have only themselves to blame for their ignorance; and sometimes they have been pitifully unfortunate. But in any case the more intelligent people have thought that a man ought to be able to read and write if he is to help in choosing officers for the conduct of the government. The Constitution lays down certain qualifications that a man must have before he can be allowed to vote. Let us see what these qualifications are.

113. Qualifications for those who vote. Perhaps it will be well for us to classify the several qualifications which a man must possess in order to vote at elections in Alabama.

1. Age, sex, and citizenship. First of all, a person desiring to vote must be a man who is a citizen of the United States (that is, one who owes no allegiance to any foreign government), or one who has declared his intention to become a citizen; and he must have reached the age of twenty-one years. *2. Residence.* It is required also that he shall have resided in Alabama for two years, and in the particular county in which he offers to vote, for one year. For voting purposes the communities are divided into wards and precincts, or "beats"; and the law provides that a man offering to vote shall have resided in his precinct or ward for at least three months. *3. Registration.* Suppose a man who is not known in a particular community presents himself on the morning of an election and desires to cast his vote. It might be very difficult for the officers who have the election in charge to find out whether he really possesses the qualifications necessary for a voter. The Constitution therefore provides that the voting places, or *polls* as they are called, shall be opened for registration on certain days prior to the election. During this period, any person desir-

ing to vote at the election must present himself, prove his qualifications, and have his name properly enrolled upon the registration books. On the election day only those are permitted to vote whose names are to be found in these books. 4. *The poll-tax.* Every male resident of the State between twenty-one and forty-five years of age is required to pay, under the present law, a yearly poll-tax of \$1.50. No man can vote at any election who has not paid all the poll-taxes assessed against him. 5. *Education* When a man presents himself for registration, he is required to show that he is able to read and write. 6 *Property.* If a man owns forty acres of land in the State, or property valued at \$300, he is permitted to register and vote even though he may be unable to read and write.

These qualifications for voters were laid down in the Constitution of 1901, and their terms are strictly enforced. Previous to this time the qualifications were less rigid, and the officers were somewhat lax in enforcing them. The result of this change has been that the number of voting people in the State has been greatly reduced in the last few years. While this is in some respects unfortunate, yet it has decided advantages. In the first place, it makes the vote of the people a much more intelligent one, because the privilege is granted only to those who have these elementary qualifications. In the second place, it gives those who at present do not possess the necessary qualifications something to strive for. In one way or another, you see, a man must show that he is sincerely interested in the government before he is permitted to vote. These qualifications help to shut out the vote of that class of people who never think about the affairs of the government until the morning of election, and then go to the polls without any idea of how they ought to vote.

114. Places of election. As we have already noted, every county is divided into a number of voting precincts or "beats." In each precinct there is at least one place at

which votes may be cast at any election. These voting places are usually advertised so that every voter may know where he must go to cast his vote. In charge of these places are certain election managers appointed in accordance with the law. These officers first examine the books and determine whether a person desiring to vote is properly registered. If his registration proves to be satisfactory, they then permit him to cast his vote.

115. How the votes are cast. Many years ago it was the custom, when voters went to the polls, to read them the names of the candidates for office and to ask them which candidate they desired to vote for. Thereupon the voter would call the name of the candidate of his choice. Under such a system everybody knew how everybody else voted. The result was that men could not always vote with independence, because of what other people might think of them. They might be made to suffer in some way for voting as they thought best.

This system of voting has never been adopted in Alabama. Under our present system of voting, it is usually impossible for anybody to know how any one else votes. When a person goes to the polls, he is given a slip of paper called a *ballot* with the names of all the different candidates printed on it. He then retires, usually to a booth where no one else is permitted, and with a pencil he makes a crossmark in front of the names of those for whom he desires to vote. An officer called a *marker* is appointed to assist those voters who are unable to prepare their own ballots. The voter folds his ballot and sees it deposited in a sealed *ballot box*. None of these ballots are examined until the election is closed. You see, therefore, that it is usually impossible for one voter to tell how any other voter has cast his ballot.

The election usually lasts for one day. At its close the ballot boxes are opened and the ballots counted. The count, or *return* as it is called, is then sent to the sheriff of the county. A board consisting of the sheriff, the judge of probate, and the clerk of the circuit court add up the returns from the various voting precincts of the county. In case the election is for State officers, these county boards send their returns to the State authorities at Montgomery, who add the returns for the whole State and announce the result of the election in accordance with the law.

116. Our duty toward the government. There was a time in the early history of our country when every man of intelligence and culture looked upon it as a duty and a privilege to take some active part in the government. Nearly all the truly great men were politicians. Government and politics was the field in which any ambitious young man sought to make a name for himself. Today the attitude which most men assume toward politics is quite different. Many noble men think it beneath them "to dabble in politics." In consequence, they sometimes permit the affairs of the government to be directed by low political bosses and shrewd schemers who have only their own interests at heart. Nothing can be more hurtful to any community than this attitude which many good men assume. Of course, today it is impossible for every man to enter politics. It is not even desirable. But every man should be interested in all the undertakings of the government, and this means that he should be interested in politics.

We should all feel that the government is a part of us. It undertakes to do for us many things which we cannot do for ourselves—that is to say, the whole people of any com-

munity, acting together through the government, undertakes to do these things. If, then, the good people and the intelligent people of the community refuse to take part in the government, how can we hope that the best interests of the whole community will be served?

QUESTIONS FOR CLASS DISCUSSION

1. What do we mean by democratic government? Would it be possible in your community for the people to make their laws directly? How are the laws made? Who makes the laws for the whole State? What kind of government do we call this? Why?

2. Explain how a man shares in the government by voting. Why do not children have this right? Women? Foreigners? Citizens of other States? Insane people?

3. Mention all the qualifications for voters in Alabama. Take each of these qualifications separately, and tell whether you think it is necessary or unnecessary, and why.

4. Find out, if you can, how many precincts or "beats" there are in your county, district or ward. In what precinct do you live? Find out where the voting place of your precinct was located at the last election. Find out if there was more than one voting place in your precinct.

6. Explain the old method of voting. Explain how the votes are cast today. What was accomplished by the change from the old method? What is the ballot? The ballot box?

7. What is meant by registration? Why is it necessary?

8. Explain how it is the duty of every man to be interested in politics. To whom does the government belong? Explain how the government is a part of us. What is our duty toward it? How will we suffer if we fail in this duty?

CHAPTER XVI

HOW POLITICAL PARTIES CONTROL THE GOVERNMENT OF ALABAMA

117. **What political parties are.** All of you have doubtless heard of political parties—the Democratic Party and the Republican Party, for instance. What do we mean by political parties, and how did they come to be formed? Political parties have existed in the United States almost from the beginning of our history as a nation. In President Washington's administration the people of the country began to divide into two great classes according as they believed that the national government should exercise wide powers under the newly adopted Constitution, or that it should exercise only those powers that were expressly granted to it. These classes were known as political parties and were called at first Federalists and Anti-federalists. From that day to this, political parties have existed in the United States. New parties have arisen and died; old parties have changed their names, or retaining their names, have changed their policies; but on questions of politics, the people have always been divided into parties.

Indeed, wherever the people share in the government of a country, parties will surely spring up. Those people who believe that the government should do this or that thing must act together; and those who oppose them must also act together. In this acting together parties originate.

We sometimes hear a man of one party vigorously denounce the other party; and sometimes, too, we hear men

regret that there are any parties at all. But parties are invaluable aids to good government. They watch each other closely. If a party in control of the government fails to make wise laws, or to choose good officers, the other party will surely find it out, and perhaps at the next election will succeed in defeating the party in power. Parties help to keep alive our active interest in the affairs of government and exert a controlling influence over the action of our law-makers and officers.

118. How parties are organized. If a party is well organized, it can more easily and more successfully get its candidates into office. This organization is accomplished by means of committees. In every party there is a State committee having general control over the affairs of the party, and in addition there are local committees in the different counties and cities of the State. These committees arrange for political meetings and for addresses to be delivered by party leaders and candidates for office. They stir up general interest in the election and in the affairs of the government, and seek to draw out as large a vote for their own party as possible. They also determine many important questions in regard to the method of choosing candidates. You must not think, however, that these party committees are a part of the government. Political parties are merely organizations of the people for the purpose of controlling the government; they are not a part of the government.

119. Party conventions and primary elections. Suppose that one political party in the State has many more voters than another party; and suppose that in the larger party there are many candidates seeking, for instance, the office of Governor, while in the smaller party there is only one candidate. The larger party would probably divide its vote among the various candidates. You can readily see

that this might cause the candidate of the smaller party, receiving the whole of his party vote, to be elected. Thus in the table below, candidate *D* would be elected over *A*, *B*, and *C*, although his party cast only half as many votes as the other.

LARGER PARTY	Vote for Candidate A 30,000	Vote for Candidate B 40,000	Vote for Candidate C 50,000	Total Vote 120,000
SMALLER PARTY	Vote for Candidate D 60,000			Total Vote 60,000

In order that the party vote may not be wasted in this manner, it is usually necessary to choose the party candidates for office before the election comes up. If one party is small as compared with the other, it accomplishes this by means of a *party convention*. If the election is for State officers, this convention is called by the State party committee and is composed of delegates from the various communities of the State.

When the party is large, however, candidates are usually chosen by means of *primary elections*. A primary election is an election held by the party for the purpose of nominating the candidates for office which the party desires to support at the general election which follows. You must bear in mind that a primary election is not really an election at all. It is only a *nomination* by the party. For instance, a certain man may be elected at the primary as the Democratic candidate for Governor. This means only that the members of the Democratic Party will vote for him in the

general election held a few months later, when he must stand against the Republican, the Populist, and perhaps other party candidates.

In any party primary the voters of the other party are not supposed to take part. Moreover, no one can vote unless he is qualified to vote at a regular election. (See page 150.)

120. Local nominations. In local elections—that is, county, town, and city elections—the State or the local party committee usually decides whether candidates shall be chosen by a local convention or at a primary election. A man becomes a candidate for the party nomination by announcing his intention to the committee, and by paying a fee to assist in defraying the expenses of the primary.

QUESTIONS FOR CLASS DISCUSSION

1. Try to find out which political party is the stronger in your community. Are most of your county or city officers Democrats or Republicans? Were they nominated for office at a primary? Were they nominated by a convention? If not, why not?

2. To what political party do the present Governor and the other State officers belong? How were these officers nominated? Explain why the primary election was necessary for their nomination. Explain, then, what you mean by a primary election.

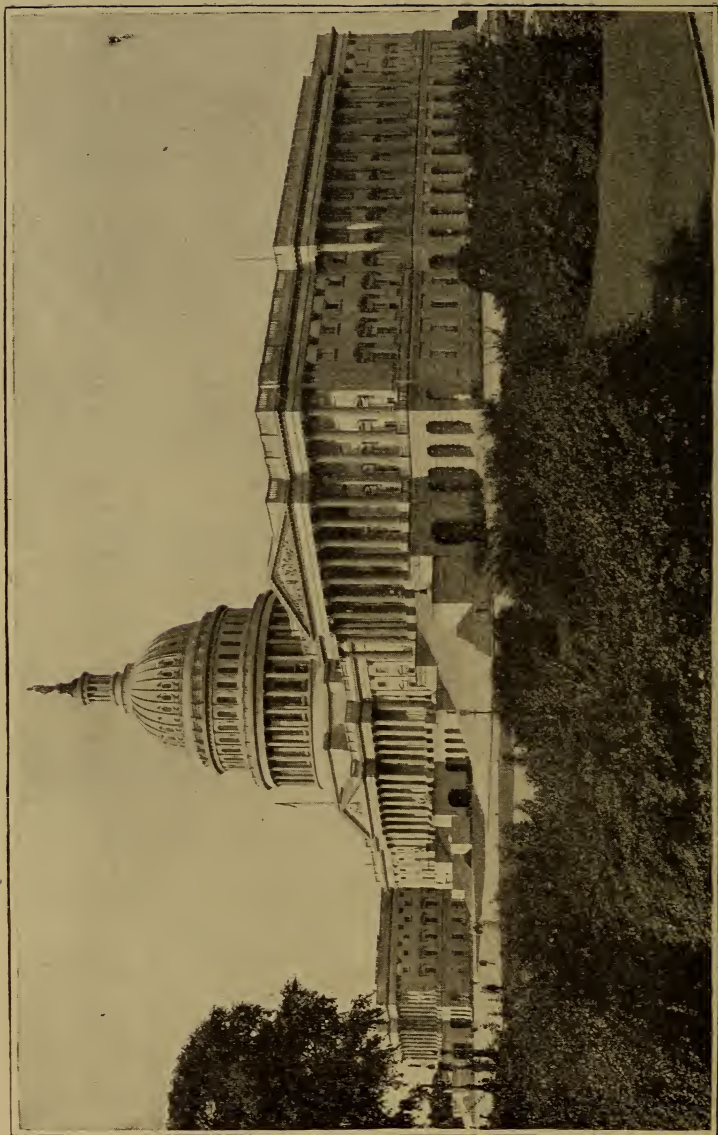
3. Who may vote at a primary election? Is the primary really an election at all?

4. How do political parties help to create good government? Are they a part of the government?

5. Explain how political parties are organized. Why is it necessary for them to organize? What powers and duties have the party committees? Find out, if you can, what party committees there are in your community.

6. Explain why it is necessary for parties to choose candidates before the election. What would be the probable result if they did not do so?

PART II
HOW WE ARE GOVERNED
IN THE NATION



THE CAPITOL OF THE UNITED STATES

HOW WE ARE GOVERNED IN THE NATION

CHAPTER XVII

HOW THE NATIONAL GOVERNMENT PROTECTS AND ASSISTS US

121. **The necessity for the national government.** We have already noted the many things which the government of Alabama does for the benefit of those who live within the limits of the State. Similar protection and assistance are provided for their inhabitants by the governments of all the other States of the Union. But these States, as we all know, are only parts of one great nation. In addition to the State governments, there is over our whole country a powerful national government with its seat at Washington.

After the Revolutionary War was fought and our independence was won, there were many reasons which prompted the people of the new States to unite and establish a national government. They had so many interests in common, and there were so many things that could be best attended to by a government representing the people of *all* the States. Moreover, in spite of the fact that the people were separated into thirteen States, they were in many respects one people. Most of their ancestors were English. They spoke the English language. They had

similar laws, similar governments, and similar ideas about the rights and liberties that people living in a community ought to enjoy.

In the next chapter we shall see how the Union came to be established and how our national Constitution was framed and adopted. This Constitution declares what powers our national government shall exercise and in what ways it shall provide for the protection and welfare of the people of the entire nation. Our State indeed provides in many ways for our safety and happiness, but our national government also undertakes many important things for us—things which are of interest to the people in all parts of our great country and which could not be satisfactorily provided by the separate States. Let us note some of the more important things that are placed under national control.

122. How the national government controls foreign affairs. We have seen that when people live in a community conflicts often arise in the exercise of their rights and desires. Now in many respects nations associate with one another just as people do; and, like people, they are apt to have disagreements. The United States is today one of the leading powers of the world. American citizens are constantly traveling in foreign countries; they carry on enormous commerce with the citizens of other nations; American vessels sail upon every sea. With all this association between the people of the United States and the people of other countries, we should be continually getting into serious difficulties if some means were not provided for the peaceful regulation of affairs between nations. Our affairs with foreign countries are controlled entirely by our national government. Let us see how our foreign affairs are carried on.

1 *The making of treaties.* The government of the United States makes agreements on a great variety of subjects with the governments of other nations. These agreements are usually known as treaties. In many ways they regulate the conduct of nations and their citizens toward one another. The United States has more than three hundred such treaties in force to-day.

When it seems advisable to make a treaty with any foreign power, the President usually chooses some person especially fitted to represent the United States, and instructs him in regard to the proposed treaty. This representative confers with a similar representative appointed by the other government. When the treaty has been drawn up in accordance with the President's instructions, it must be sent to the Senate and must be approved by a two-thirds vote of that body. The Senate may change the treaty or reject it entirely. The power to make treaties, therefore, is placed in the hands of the President and the Senate. Many difficulties between the United States and foreign nations are avoided by means of these treaties. They help to preserve peace and to strengthen our friendship with foreign governments.

2. *Diplomatic representatives.* It has long been the custom for each civilized nation to keep at the capital of every other nation a permanent representative known as a diplomatic representative. These representatives are called *ambassadors* or *ministers*, according to their rank. The United States sends ambassadors to ten of the more important nations of the world and ministers to nearly all other countries. At Washington, representatives are likewise received from these countries. Through these diplomatic representatives nations communicate one with the other. If, for example, the United States government de-

sires to communicate with the government of Germany, the message is sent through our ambassador at Berlin. Diplomatic agents help to keep the relations between nations peaceful; for they are always at hand to assist in the speedy and friendly settlement of any disagreement that arises. Frequently, too, they are instructed by the President to assist in drawing up new treaties. Our ambassadors and ministers are appointed by the President with the approval of the Senate.

3. *The making of war.* In spite of these means provided for keeping peace between nations, disagreements sometimes arise which cannot be settled peacefully, and appeal must be made to arms. In the United States, Congress alone has the power to declare war against a foreign nation. The making of war is a matter of great importance to the people of all the States; it would never do to let each State have the power to declare war whenever it chose to do so. Since the Revolutionary War the United States has declared war on only two important occasions—in 1812, against Great Britain, and in 1898, against Spain. The Mexican War of 1848 was begun by Mexico.

4. *Foreign Commerce.* You can easily understand the troubles that would arise if each State of the Union could admit or restrict foreign commerce as it pleased. States would vie with one another to secure the largest amount of foreign trade. Each State would make its own agreements with foreign nations in regard to this matter, and the result would be endless confusion and much bitterness. To avoid this, foreign commerce is placed entirely under the control of the national government. In the exercise of this power over foreign commerce, Congress has placed duties on most of the manufactured articles that are brought into the United States, and many treaties and

agreements have been made with foreign governments to encourage trade and commerce. We shall see later on that certain restrictions are placed upon the national government in the exercise of its power to lay duties on foreign goods brought into the United States. (See page 203.)

To each of the important seaports of the world the United States sends a representative known as a *consular agent*. It is the duty of these consuls to encourage American commerce and to assist and protect American vessels in foreign ports. They send extensive reports to our government at Washington; and these reports are published for the benefit of those who are interested in shipping goods to foreign countries.

123. How the nation is protected. We have seen some of the many ways by which our State government provides for the protection of our lives. (See chapter II.) In addition to this protection afforded by the State governments, our national government makes provision for our protection against foreign enemies. This is accomplished by means of the army and navy, and by constructing forts and other defences along the coasts.

1. The Army. The different nations of Europe are situated so close to one another that disagreements are likely to arise frequently among them. The result is that they have, as a rule, been obliged to maintain large standing armies at great expense. The United States is not, like the countries of Europe, surrounded by numerous foreign States. We occupy a large portion of a whole continent, and we are the most powerful independent nation on the continent. In consequence, we have not found it necessary to support a large standing army. Nevertheless, we have always maintained a small army, ready at any time of

need to defend and protect the nation. The President is commander-in-chief of the army, but Congress must provide for its support. In recent years the United States has acquired important islands in the far seas. In order to protect these, we shall perhaps find it necessary in the future to keep a somewhat larger standing army than we have needed in the past.

Not only does the army provide for the defence of the nation against enemies from without, but sometimes it is used to preserve peace within the States, or to help in carrying out the national laws. Troops of the army, however, are never sent to the aid of any State unless the governor or the State legislature requests the President to send them. In the winter of 1907-08, the Governor of Nevada, fearing the results of a serious strike among the mining employees of that State, called for the assistance of the national army; and the President, acting upon his request, sent a body of national troops to prevent any disturbance that might arise.

Whenever he thinks it necessary the President may also employ the national troops to enforce the laws of the nation. In 1894 there was a large strike among the railway operators at Chicago, one of the most important railway centers in the United States. Commerce between the States was seriously interfered with, and trains carrying the United States mails were held up. President Cleveland promptly dispatched troops of the United States to put down the disturbance in order that the trains might continue, under the laws of Congress, to carry the mails and the commerce going from one State into another.

2. *The Militia.* If our country should be invaded by a foreign enemy, our small standing army would probably be unable to repel the invasion. We have seen that in our

own State there is an organized militia for the purpose of preserving the peace of the State in times of unusual danger. (See pages 31, 117.) In nearly all the other States similar provision is made for maintaining companies of militia. The national government has the power to call out the State militia for the purpose of defending the nation against invasion or insurrection. Congress also makes



THE AMERICAN FLEET

Leaving Hampton Roads in the fall of 1907 on the famous cruise around the world.

general rules for the organization and discipline of the State militia throughout the United States.

3. *The Navy.* If the United States should go to war with any nation of Europe, neither country would be likely to send a large army to attack the other. Much of the fighting would naturally take place on the water. This was shown in our recent war with Spain. Some of the

fighting, indeed, took place in the island of Cuba, which was a Spanish possession close to our own shores; but the real test between the two nations was in the struggle between the navies. Because of our position, therefore, it has been necessary for our national government to provide a large and well-equipped navy. Especially is this necessary since we acquired the Philippine Islands, for it is largely by means of the navy that these far off possessions must be protected. Our navy is being constantly strengthened by the addition of new and powerful vessels of war.

4. *The Coast Defence.* In addition to the protection provided by the army and the navy, it is necessary that the seaports of our country should be fortified against attacks that might be made by the war vessels of an enemy. At important points along the seacoast and the shores of the great lakes, strong forts are built with powerful batteries of large guns. Harbors are usually protected also by sub-marine torpedoes, or mines, as they are called, laid at the bottom of the channel. These mines are connected with the land by electric wires and can be exploded under an enemy's vessel. Fort Morgan and Fort Gaines, at the main entrance to the harbor of Mobile, are the chief coast defences provided in Alabama by the national government. It is probable that Mobile harbor is also protected by sub-marine mines. In addition to the fort and harbor protections, there are also vessels especially built for the coast defence.

It is the national government, too, which provides those protections for life and property along the coasts which we learned of in the earlier part of our study. It erects lighthouses and maintains life-saving stations. (See page 27.) It also spends large sums of money in improving

harbors and rivers for the purposes of navigation. (See page 75.) Thus we see that the government of our nation provides in many ways for the protection of our lives in addition to the protection thrown around us by the government of our State.

124. How the national government controls inter-State commerce. In this day of frequent travel and the enormous growth of commerce between different parts of the Union, we sometimes almost forget that there are any boundaries between the States. We sit in a railway train and are whirled through half a dozen States in a single day. The early fruits and vegetables that are grown on the farms of Alabama are sold in Virginia, Pennsylvania, and New York. The goods we buy in the shops have drawn their raw material from one section of the United States, have been manufactured in another, and are sold in a third. Goods are sent from one State to another as easily as they are sent from one local community to another. This tremendous commerce between the States passes over the water routes and the great railway lines.

Now suppose that one State had the power to prohibit the people of another State from entering its territory, or suppose that each State could lay duties on goods coming from another State. A great deal of confusion would naturally result, and much of this travel and commerce would be interrupted. To avoid this difficulty the national government is given complete control over inter-State commerce—that is, commerce passing from one State to another. It has been the general policy of the national government to permit commerce to be carried on between the States without restrictions of any kind.

125. How the national government controls our money system. It is very necessary that the government in any

country should regulate in the strictest manner the money that is used in the country. People must be sure always that whatever they receive as money will, in turn, be received by other people; and they must be protected against frauds. You can understand, therefore, the necessity for the government's control over the money we use.



MAKING PAPER MONEY

Scene in the Bureau of Printing and Engraving at Washington, where our paper money is engraved

Now imagine what endless confusion would result if every State coined its own money. Each of us would have to keep in mind the value of coins made in forty-six different States, and we should probably have in our pockets coins of every variety. This would be annoying beyond

description. For this reason the national government has been given the power to establish one system of coins throughout the country to be used by the people in every State.

In order for the national government to protect us against frauds it must make provision for coining the money we use. This could not be left to private individuals. United States mints have been established, therefore, in which the coins are made; and laws have been passed for the severe punishment of any individual who attempts to duplicate, or counterfeit, as we say, United States coins.

The national government also issues paper money. You must not imagine, however, that the government can issue any amount of paper money that it chooses. A great many people have this mistaken idea. A dollar bill issued by the national government is simply a promise made by the government that it will pay a dollar in silver to the bearer of that bill whenever he demands it. The government keeps in the national treasury a large part of the gold and silver coins. Now if the government issued an enormous number of paper bills, it would be unable to pay them upon demand. This would soon be known, and the bills themselves would become worthless.

The State governments are forbidden by the national Constitution either to coin money or to issue paper money. This is because it is of great importance that there should be in the United States only one system of money regulated entirely by the national government.

The national government also determines what weights and measures shall be lawfully used as standards. This helps to avoid confusion and dishonesty in business throughout the entire country.

126. How the national government controls immigration and naturalization. For many years our country has been attracting a large number of foreigners from the various nations of Europe and Asia. These people in many cases, come from lands of oppression and poverty. They see in the United States a land of opportunity and promise. They swarm over the seas by the thousands every year. Indeed, more than a million have sometimes come to us in a single year.

Many of these foreign immigrants belong to the lower classes of their home countries. In times past they were often paupers, who had to be supported by our government after they landed in America. Immigration is a serious problem in the United States, and the national government has undertaken to regulate it. Laws have been passed to prevent paupers and diseased and insane persons from entering the country. Moreover, every foreigner who comes over to settle in America has to pay a tax of two dollars when he lands, and he must have at least fifteen dollars in his pocket in order to show that he is not likely to become a public burden.

The national government provides that, in due course of time, these foreigners may become American citizens by a process called *naturalization*. Before a foreigner can become a naturalized citizen of the United States, he must have resided in this country at least five years, and he must have declared his intention to become a citizen at least two years before he is admitted to citizenship. After a foreigner has been granted his naturalization papers by the government, he enjoys the same privileges that belong to a natural-born citizen of the United States, with the single exception that he can never become the nation's President or Vice-President.

Foreigners of the same nationality frequently settle together in some section of one of our large cities, retaining their foreign language and customs. They thus become a danger to our nation, for they do not understand our life and government. Fortunately, however, many of them scatter over the country. These quickly lose their foreign characteristics and adopt our language, our customs, and our ideas. In other words, they become Americans. The school is perhaps the most important means by which the children of these foreigners are taught to understand our ways of living and thinking. Educated in our schools, many of them grow up to become good American citizens. Immigrants from England, Scotland, Ireland, Germany, and Sweden adopt American ideas very rapidly; but others—like the Russians, the Italians, and the Syrians—are very slowly “Americanized.”

This problem of immigration is much more serious in some parts of the United States than it is in others. In large cities, like New York and Chicago, the foreign populations give a great deal of trouble. On the Pacific coast the large population of Chinese and other Asiatic peoples is a constant source of annoyance and difficulty. The national government at length found it necessary to pass a law prohibiting the Chinese from entering this country, for it was feared that they would soon outnumber the whites along the western coast.

127. How the national government controls the postal service. The carrying of the mails is one of the most important services undertaken by the national government for the welfare of the people. This business of carrying the mails is under the exclusive control of the national government. By means of the thousands of post-offices scattered throughout the land, the people in the different communities are brought into easy communication with one another. We have already learned something of the reforms that have been brought about in the postal service, and of the important part it plays in the business and social life of the nation. (See page 77.)

128. How the national government controls patents and copyrights. When a man writes a book or invents a ma-

chine, his book or his invention is really a part of his property. Unless he is protected in his property, however, some one else may reprint his book or manufacture his machine without his consent, and thus deprive him of his profit. In order to encourage authors and inventors, the government provides them with protection for their work.



MAKING POSTAGE STAMPS

Scene in the Bureau of Printing and Engraving at Washington, where postage stamps are printed

To the author is issued a copyright on his book, and to the inventor a patent upon his invention. The government makes it unlawful for any one to republish a book that has been copyrighted or to manufacture a machine or other device that has been patented.

129. Summary. Thus we see that the government of our nation provides in many important ways for the protection and welfare of the people of the whole country. This it does by regulating foreign and inter-State affairs, by providing for the national defence, and by controlling such things as the money system, naturalization, the postal service, patents, and copyrights. These are things which could not be satisfactorily undertaken by the separate States. It is of great importance that they should be regulated in a uniform manner throughout the entire nation.

QUESTIONS FOR CLASS DISCUSSION

1. Does the State of Alabama maintain an army? A navy? A postal system? Does it build forts and protect harbors? Make treaties? Send diplomatic representatives to foreign nations? Coin money? Issue paper money? Show how each of these things is necessary for our protection or welfare. By whom are these things undertaken, and why? Explain, then, the necessity for our national government.

2. In what ways do the people of the United States associate with the people of foreign countries? Suppose a dispute arises between the United States and Great Britain; who settles it? Who has control over all our foreign affairs, and why?

3. Could the State of Alabama make a treaty with Germany? Why? Explain how treaties between the United States and a foreign government are made? Why are they made? How do they help us as a nation? Mention some of the treaties you have learned about in history. Why were they made?

4. What are ambassadors and ministers? Does Alabama appoint or receive ambassadors and ministers? Why? Who chooses the diplomatic representatives of the United States? Where are they sent? Why are they sent? What is the difference between an ambassador and a minister? Find out, if you can, to which countries the United States sends ambassadors. Find out, if you can, the names of some of our present diplomatic representatives. To what countries are they sent? Try to recall from your history some distinguished statesmen who have represented us abroad.

5. In the United States who has the power to declare war, and why? Who controls foreign commerce, and why? Who makes regulations for the vessels and goods which come from abroad and land at the seaports of Alabama?

6. Who maintains our army? Is it large or small, and why? Is it larger today than it was before the Spanish-American War? Why? Why is the army maintained? When may national troops be sent to protect life and property within some State? How is the army used to enforce the laws of the nation? Do you recall any instance of this? What part does the State militia have in the defence of the nation?

7. Explain why the United States is obliged to maintain a large navy. Explain how the seacoast is protected. Where are Fort Morgan and Fort Gaines? Have you ever seen them? Tell all you know about them. Who built the lighthouse at the entrance to Mobile harbor?

8. Can Alabama prohibit persons from coming into the State from Georgia, Florida, Mississippi, or Tennessee?? Can Alabama prohibit goods from being brought in from these States? Why? What do we mean by inter-State commerce? Who controls it? Why?

9. Who coins the money we use? Why is Alabama not permitted to coin money? What is a mint? Why does the national government maintain mints? What is meant by counterfeiting? Why is it made a criminal offense? What is paper money? Who issues it? Why? Does Alabama issue any paper money? Why? Can the national government issue any amount of paper money it chooses? Who fixes the weights and measures we use in our stores?

10. What people are known as immigrants? Where do they come from, and why? When do they become dangerous? What is meant by naturalization? Who controls this?

11. Where is your nearest post-office? Who maintains it? Why? Tell all that you know about the postal service in your community. What are patents and copyrights? By whom are they issued and why? Look in the front of one of your school books and see who copyrighted it. What does this mean? Have you ever seen any article marked "patented" or "patent applied for?" Tell about the article, and explain why it was patented.

CHAPTER XVIII

THE CONSTITUTION OF THE NATION

130. What the national Constitution is. In our earlier study we learned that our State government undertakes to provide many important benefits for us; and we saw how that government is organized under the Alabama Constitution. In the preceding chapter we have learned that our national government provides for our protection and welfare in many other important ways. Our national government also is organized under a Constitution. This Constitution determines what powers the government of the nation shall exercise throughout the entire Union. Let us see how the Union of States came to be formed and how the national Constitution was framed and established.

131. Why the colonies first united. You doubtless remember that during the colonial period of our history each of the thirteen colonies was under the control of the British government. There was, however, no sort of union which bound them together; each colony was independent of the others. They were forced to join hands only because the Parliament of the mother country began to oppress them and to impose upon them taxes which they felt were unjust. They realized fully that if their revolt against this oppression was to be successful they would have to act together. The colonists therefore determined to send delegates to a *Continental Congress* which should represent them in their struggle with Great Britain. It was this Congress which issued the Declara-

tion of Independence and provided for carrying on the Revolutionary War. The success of the war freed the colonies from British control. They were no longer dependent colonies; they were independent States.

During the period of the war the Continental Congress exercised whatever powers were necessary. But naturally after peace was established the people were unwilling to have this Congress govern them as it chose. Even while the war was going on, steps were taken to determine how the government of the Union should be organized and what powers it should exercise.

132. What the Articles of Confederation were. In 1777 a committee of the Continental Congress drew up a plan of government for the new Union. The document which they prepared was known as the Articles of Confederation. It was provided that this government should not go into operation until every one of the thirteen States had agreed to accept it. In 1781 the last State gave its consent, and the government provided for by the Articles of Confederation was set in motion.

The government established by the Articles of Confederation proved to be very unsatisfactory. The war had been costly, and the States were deeply in debt. Money was needed for carrying on the work of the new government; but the government had no means for raising money. It had no power to levy taxes upon the people. It had to call upon the different States to contribute to its support. The Congress of the Confederation had no power to compel the States to pay their contributions, or indeed to compel obedience to any of the laws of the Union.

As the years went on, the government became more and more hopelessly in debt. More than once the attempt

was made to change the Articles of Confederation so as to give Congress additional powers; but no change could be made without the consent of every State, and this it was impossible to secure. The far-seeing statesmen of the time realized that if the Union was to continue, something must be done to increase the powers of the government. Washington called it "a half-starved, limping government, always moving upon crutches and tottering at every step."

Difficulties had early arisen between Virginia and Maryland over the control of commerce on the Potomac River and Chesapeake Bay, and these States seemed unable to settle their disputes. In 1785 the General Assembly of Virginia invited all the States to send representatives to a convention to be held at Annapolis the year following. This convention was called to consider the trade and commerce of the Union. Only five of the States were represented when the delegates came together. But a stirring address was issued calling upon the States to send delegates to another convention which should meet the next year in Philadelphia for the purpose of revising the Articles of Confederation.

133. The Constitutional Convention of 1787. The Convention assembled in May, 1787. It was composed of delegates from every State except Rhode Island. Nearly all the truly great men of that time were among its members. Washington was its president, and prominent also among its distinguished members were Benjamin Franklin, James Madison, Alexander Hamilton, George Mason, Edmund Randolph, and James Wilson. Jefferson was not a member, for at this time he was representing the United States government in France. It was a high-minded, patriotic, and noble body of men, which met at a

critical time to determine how the Union might be strengthened and preserved.

As a matter of fact, the Convention did not attempt to revise the Articles of Confederation. They set about the task of drawing up a completely new form of government. After nearly five months of careful deliberation behind closed doors, their work was completed. They had framed a new Constitution for the Union of States.

134. How the Constitution was put in operation. The Convention sent the Constitution they had framed to the Congress then in session with the request that Congress, in turn, should send it to the States for consideration. In each of the thirteen States a convention representing the people was called together to decide whether the State would accept or reject the new form of government. According to the plan adopted by the Convention, whenever nine of the States should accept the Constitution it was to go into operation. You must bear in mind, however, that each State was to make its own choice; no State was compelled to adopt the proposed Constitution.

The conventions in some of the States had little difficulty in agreeing to adopt the new form of union, but in many others the Constitution hung in the balance for months. There were several reasons why the proposed Constitution met with so much opposition. The States, you will recall, had but recently been freed from the oppressive yoke of Great Britain. They were now enjoying the luxury of independence, and they feared to give up any large amount of power even to a government of their own creation. They were afraid that as States they would be deprived of too many rights, and that the people might not be secure in their liberties. This was perhaps

the chief objection that the new Constitution had to overcome.

By the summer of 1788, eleven States had ratified the Constitution. North Carolina and Rhode Island alone refused their consent. Indeed they did not come in as members of the new Union until after the government had gone into operation. Before the spring of 1789, Washington had been unanimously chosen the first President of the United States, and the members of the first national Congress had been elected. The Congress of the old Confederation passed into history, and the government provided for by the national Constitution under which we still live came into being.

135. How the number of States in the Union has increased. There were only thirteen States in existence when the new Constitution went into operation in 1789. But stretching from the western frontiers of these thirteen States along the Atlantic was a vast area of sparsely settled territory held by the government of the Union. This territory consisted of large tracts of land which, during the years following the Revolutionary War, had been ceded to the Union by one or another of the original States. The framers of the Constitution realized that sooner or later this territory would increase in population. For this reason they provided in the Constitution a method by which new States might be admitted to the Union whenever the national Congress should see fit to admit them.

You doubtless recall from your study of history that, as the years went on, other immense stretches of territory were added to the Union by cession, purchase, or conquest. In 1790 North Carolina ceded the territory comprised in the present State of Tennessee. In 1802 Georgia ceded to the United States all the territory on her western

frontier. Then came the gradual acquisition of the territory westward from the Mississippi River to the Pacific coast. In 1803 the United States purchased from France the immense territory of Louisiana. In 1819 Florida was purchased from Spain. The dispute with Great Britain over the Oregon territory in the northwest was also settled by the treaties of 1819, 1842, and 1846. Texas was annexed in 1845. The great southwestern section of our country including California was acquired from Mexico by conquest and treaty in 1848, and was extended by the Gadsden purchase in 1853. Thus the United States "grew" into the occupation of the better part of a continent.

Out of all this length and breadth of territory, new States have one by one been admitted to the Union by the Congress of the nation. From the admission of Vermont in 1791 to the admission of Oklahoma in 1907, thirty-three States have been added to the original thirteen. As we have already learned, Alabama came in as a member of the Union in 1819, being the seventh State admitted since the adoption of the Constitution in 1789.

The national Constitution was indeed framed and adopted by only thirteen of our present (1908) forty-six States. But it is of great importance for you to remember that every State has just the same duties and powers in our government as any other State, whether it assisted in making the Constitution, or whether it was admitted as a State in 1819 or in 1907. Alabama, since its admission to the Union in 1819, has enjoyed as a State the same rights and powers as Virginia or New York.

136. How the government is organized under the Constitution. Under the old Articles of Confederation all the meager powers given to the government of the Union were placed in the hands of the Congress. There were

no executive officers to put the laws into operation, and no courts to explain and interpret them. The only power which the government really had was the power *to make* laws, and this was one of the reasons why the Confederation proved to be a miserable failure. Under the new Constitution all this was changed. The national government has the power not only to make the laws but to put them in operation and to apply them.

It has already been pointed out that whenever all these powers are placed in the hands of one group of men there is usually danger that the government will become tyrannical. (See page 103.) The Constitution therefore provides that there shall be three great departments of government—legislative, executive, and judicial.

137. How the Constitution may be changed. You remember that our Alabama Constitution, being the highest law of the State, is considered of such importance that the Legislature is not permitted to change it. (See page 101.) This is true also of our national Constitution. Indeed it may be said generally that no Constitution in the United States, whether State or national, can be amended by the ordinary law-making body.

The Constitution of the nation provides that changes, or amendments as they are called, may be proposed in Congress. But it requires that every amendment shall be passed by a two-thirds vote of each house, and that it shall then be sent to the States for consideration. No amendment becomes a part of the Constitution until it has received the consent of at least three-fourths of the States.¹

¹The Constitution also provides that, upon application of the legislatures of two-thirds of the States, Congress shall call a convention for the purpose of proposing amendments, but this method of amending the Constitution has never been used.

Now as a matter of fact, it is a very difficult matter to secure for any amendment a two-thirds majority of both houses of Congress and the consent of three-fourths of the States. It is, in consequence, very difficult to amend our Constitution. Except in some unusual emergency, it may be said to be almost impossible. Since the Constitution went into operation in 1789, more than two thousand amendments have been proposed in Congress. Most of them have failed to secure the necessary two-thirds vote, and nearly all of the others have been lost when they have been submitted to the States. Fifteen amendments, however, have been adopted. Let us see how these changes came to be made.

138. Why the fifteen amendments were adopted. *1. The first ten amendments.* At the time when the Constitution was being discussed in the different State conventions much fear was expressed that it did not contain sufficient restrictions upon the powers of the national government. The people were afraid that the new government might not be careful to protect their liberties. Several States, in adopting, proposed that certain amendments should be immediately passed for the purpose of protecting the people's liberties. In the first Congress which met under the new Constitution, these amendments received the necessary two-thirds vote in each house of Congress, and they were very quickly accepted by the States. They were added to the Constitution so early in its history that we may almost regard them as a part of the original Constitution.

These ten amendments provide, among other things, for the protection of our freedom of speech and of the press, and our freedom of religion. They guarantee us the right of trial by jury in a fair and open court. They

prohibit the national government from imposing unreasonably large fines or cruel and unusual punishments; and they provide that our private property shall not be taken from us unless we are justly paid for it. These amendments protect us in certain of our rights against the powers of *the national government only*. It is important for you to remember that they do not restrict the powers of the States. As we have already learned, it is by means of our State Constitution that we are protected in these liberties against the powers of our State government. (See pages 48, 101.)

2. *The eleventh amendment.* In 1793, four years after the new government had been established, trouble arose between the State of Georgia and the government of the United States over a suit that was brought against Georgia in the national courts. Georgia thought that the national government had no power to force any State to come before its courts. In order that the States might be protected against such suits, the eleventh amendment was passed. We shall refer later to the protection afforded the States by this amendment. (See page 237.)

3. *The twelfth amendment.* The original method provided in the Constitution for electing the President and Vice-President of the United States proved to be very awkward and unsatisfactory. You may recall that in the year 1801 it produced serious trouble, and a bitter contest resulted before Thomas Jefferson finally triumphed over Aaron Burr. A few years after Jefferson's inauguration the twelfth amendment was passed by Congress and adopted by the necessary number of States. It provided for our present method of electing the President and Vice-President. (See page 218.)

4. *The last three amendments.* During the period of our history just after the War between the States, the thirteenth, fourteenth, and fifteenth amendments were added to the Constitution. They were intended primarily to protect and to give certain rights to the recently freed negroes.

By the thirteenth amendment slavery was abolished throughout the United States.

The fourteenth amendment provides, first of all, that "all persons born or naturalized (see page 172) in the United States are citizens of the United States and of the State in which they reside." This, of course, grants citizenship to the negroes. The amendment provides also that the States shall give to all persons equal protection of the laws, and guarantees that the national government will protect everybody, in his life, his liberty, and his property, against any unjust action on the part of the States. The amendment does not mention the negroes, but its purpose was evidently to afford them protection against the States.

The fifteenth amendment also provides protection for the colored man. We have already noted the qualifications which our own State requires of those who wish to vote at elections held in Alabama. (See page 150.) Throughout the Union each State determines who shall and who shall not vote within its limits. But by the fifteenth and last amendment to the Constitution, no State can deprive any person of his right to vote because of his "race, color, or previous condition of servitude." The purpose of this amendment was to prevent the Southern States from depriving the negro of his right to vote because he was a negro and because he had been a slave.

139. The importance of the Constitution. The Constitution as it now stands consists of the original text as it

came from the Convention of 1787 and the fifteen amendments which have been added. *This Constitution is the supreme law of our land.* The national government cannot pass any law or do any act which violates the Constitution. In making their Constitutions and laws, the States are likewise bound to respect and obey the terms of the national Constitution.

We must bear always in mind that the Constitution did not attempt to set up a complete government. The State governments were already in existence, and they continued to exist. They regulate our daily lives in many more important ways than does the national government. We have seen, for instance, in how many ways the government of our own State provides for our protection, assistance, and welfare. The government of our nation undertakes, as we have seen, to provide only those things which are for the common interest of the people in all the States. As we go on, we shall see how the national government is supported and how it is organized.

Mr. Gladstone, the great English statesman, once made the remark that the Constitution of the United States is the greatest work ever struck off at any one time by the mind and purpose of man. When we pause to think that it has, with few changes, stood the test of more than a century, we are indeed impressed with the marvelous greatness of the work of the Convention which framed it. In 1789 the Constitution provided a national government for a straggling line of States along the Atlantic seaboard with a population of only a few millions. Today it provides for the government of a mighty nation, stretching over a vast continent from coast to coast and extending its arms to the islands of the far seas—a nation with a population of more than eighty millions of people.

QUESTIONS FOR CLASS DISCUSSION

1. Explain why the American colonies were forced to unite in their struggle against the mother country. What were the Articles of Confederation? When and why were they drawn up? How were they adopted? Explain why the government established under the Articles of Confederation proved to be a failure.

2. What was the Constitutional Convention of 1787? When, where, and why did it assemble? What was the result of the work of this Convention? Do you regard this Convention as the most important assembly in our history? Why?

3. How was the Constitution ratified? How many States were required to ratify before the Constitution went into effect? Why did the Constitution meet with opposition? When was the new government set in motion?

4. How many States existed when the Constitution was framed? How many States exist today? Explain how the United States gradually "grew" to its present size? How are States admitted to the Union? Why are they admitted? When was Alabama admitted? Has Alabama the same powers and duties as Pennsylvania or Georgia?

5. Explain how the Constitution may be amended. Is it difficult when the first ten amendments came to be adopted. Why was the eleventh amendment adopted? The twelfth?

6. How many amendments have been passed? Explain how and between the States.

7. Tell about the three amendments adopted after the War between the States? What do you think of the Constitution?

CHAPTER XIX

THE NATION AND THE STATES

140. **Our responsibility to two governments.** We have now learned that, in addition to the government of our State, there is a government of our nation established over the entire Union of which our State is a part. And we have seen that our national government is organized under the Constitution which was framed by the Convention of 1787. All of us, therefore, are subject not only to the government of our State, but also to the government of our nation. Each of these governments makes its own laws and has its own officers to carry them out. To each of them we owe loyalty and obedience, for each in its own way helps to promote our safety, peace, and happiness.

Now it may be difficult for you to understand how we can be responsible to two governments at the same time. How can we be governed by two distinct groups of officers? You must understand that our national and State governments are not independent in the same way that the governments of France and Germany, for instance, are independent of each other. On the contrary, each is dependent upon the other. Our State government could not exist alone, for it does not provide for maintaining an army and navy, for the regulation of foreign affairs, the making of treaties, the coining of money, and many other things that are controlled by the government of the nation. Nor could our national government exist

without the States, for it does not provide in general for the punishment of crimes, the regulation of property, the building of roads, the support of schools, the protection of health, and many other things undertaken by the State governments.

In one sense, however, the national government is independent of the States, and the States are independent of the national government. All the powers usually exercised by a national government are in the United States divided between the States and the nation; and neither can exercise the powers belonging properly to the other. Let us see how this division of powers is made.

141. What the national government may and may not do. The Constitution of the United States declares exactly what powers the national government may exercise. We have already learned in general what these powers are. When Congress wishes to pass a law on any subject, it must first of all find its authority to do so in the Constitution. Otherwise the law is said to be "unconstitutional," which means that it is no law at all. We are not obliged to obey those laws which, under the Constitution, Congress has no power to enact. You must not think, however, that each of us can determine these matters for himself—that we may obey or disobey the laws of Congress as we choose. Neither is our State permitted to decide such matters for us. As we shall see, the Constitution provides a means by which we may be protected, whenever Congress attempts to pass an "unconstitutional" law. (See page 237.)

You must not understand that the national government has only those powers which are in so many words laid down in the Constitution. Comparatively few powers are *expressly* or directly given to the national government

by the Constitution. Almost from the beginning Congress found it necessary to exercise other powers which are only indirectly given, or as we say, *implied* in the Constitution.

Perhaps you will best understand this by an illustration. In 1803, when Thomas Jefferson was President of the United States, the territory of Louisiana was purchased from France by the government of the United States. This territory was a most important acquisition for our country, contributing no little to our wonderful development as a nation. Now the Constitution does not *expressly* give to the government of the United States the power to acquire territory. But it does give that government the power to make treaties. It was held, therefore, that since the national government had this power, it could make a treaty by which territory might be added to our country. The power to acquire territory is said to be *implied* in the power to make treaties. This is only one illustration of how the national government exercises powers that are not directly given to it by the Constitution, but are only implied in the grant of other powers.

The national government may not exercise any power which is neither directly nor indirectly granted to it by the Constitution. It may not, for instance, make laws for the punishment of crimes like murder and robbery; or for the general regulation of property and business. These and many other powers the Constitution does not give to the government of the nation.

142. What the States may do. In general it may be said that the States may exercise all the powers not given over to the national government by the Constitution of the United States, although, as we shall see (see page 194), there are a few exceptions to this. As we have learned from the study of our own State government, the powers reserved to the States are not only numerous and varied, but they are of tremendous importance. The States may not, however, interfere with those things which are

properly undertaken by the government of the nation. They may not, for example, make treaties with foreign nations, or maintain an army and a navy, or coin money. With very few exceptions the powers which by the Constitution of the United States are given to the government of the nation are taken entirely away from the control of the States.

Thus we see that the division of the powers between the nation and the States is provided for by the national Constitution. This Constitution gives to the national government control over those things which are of interest to the people of the nation as a whole; it expressly says that all other powers are reserved to the States. It is of great importance that we should bear in mind this division of powers. It is the fundamental principle of our government, which is called on account of it a *federal* system of government.

143. How the national government is restricted by the Constitution. The most important restriction placed upon the national government is, as we have just learned, that it can exercise only the powers which are granted to it by the Constitution. In addition to this, however, a number of other restrictions are placed by the Constitution upon the powers of the central government. It will not be necessary for us to enumerate the entire list of these express restrictions; it will be sufficient if we get some general idea of their character and importance.

As the Constitution came from the hands of the Convention of 1787, it contained a number of prohibitions upon the powers of Congress. For example, after an individual has committed an act, Congress is forbidden to pass any law providing for his punishment. If the act of an individual is not a crime when it is committed, Congress has

no power afterward to make it a crime.¹ Congress may of course, provide for the punishment of similar acts in the future. When a person is arrested for an offense against the laws of the United States, he cannot be kept in prison indefinitely awaiting his trial. The national government cannot deny him the privilege of being taken before some officer of the law and shown the reason for his being held.² The United States government is also forbidden to grant any title of nobility, like the titles given in most European countries. Moreover, very important restrictions are placed upon the powers of Congress in the levying of taxes. (See pages 202, 203.)

It is in the first ten amendments, however, that we find most of the prohibitions upon the powers of the national government. These amendments, as we have learned (see page 183), were adopted because the States feared that the government created by the new Constitution might not respect the liberties of the people. Among other things they protect our freedom of speech and the press, and our freedom of religion. (See pages 48 to 51.) They provide that when a person is accused of crime against the laws of the nation, he shall be indicted by a grand jury (see page 130), and shall be tried by a jury in a fair and open court, with the right to have his witnesses and a lawyer to defend him. (See pages 25, 48, 129, 130.) They provide, too, that our private property shall not be taken from us by the national government without a just compensation (see page 44); and that civil suits—that is, suits

¹A law providing for the punishment of a crime already committed is called an *ex post facto* law. Congress may not pass any *ex post facto* law.

²This is called the privilege of the writ of *habeas corpus*. Our State Constitution also provides that this privilege shall not be denied to a person arrested for an offense against the laws of the State. See page 25.

over property, debts, and the like—in which the amount exceeds twenty dollars shall also be tried by a jury.

These are not all the restrictions placed upon the powers of the national government; but they are sufficient to illustrate how the national Constitution protects our lives, our liberties, and our property from any tyranny on the part of the officers of the national government. Similar restrictions, as we have learned, are placed upon the powers of our State government by the Constitution of the State of Alabama. (See page 101.) Thus we are protected in our life, liberty, and property against both of the governments to which we owe loyalty and obedience.

144. How the States are restricted by the national Constitution. The most important restriction upon the powers of the States is that they may not usually exercise the powers given to the government of the nation. In addition to this, the Constitution contains a few other prohibitions upon the powers of the States. For example, when legal agreements, or contracts as they are called, have been made in any State, no law can be passed by that State to render these contracts less binding upon the parties who have made them. The States also are forbidden to pass any law providing for the punishment of an individual for an act which he has already committed. (See page 193.) Nor can the States make agreements with one another, or with a foreign government; nor maintain an army and navy; nor grant a title of nobility; nor coin money.

The thirteenth, fourteenth, and fifteenth amendments also placed additional restrictions upon the powers of the States. They prohibit the States from re-establishing slavery, and from depriving any person of the right to vote because of his "race, color, or previous condition of servitude." The fourteenth amendment declares that no

State shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The meaning of this sweeping declaration has never been definitely determined. It was intended primarily to protect the negro race; but it has actually been used much more frequently to protect corporations and others within the States from the operation of certain State laws. This whole question is very complicated; it belongs more properly to the study of law. Any attempt to explain it in our elementary study of government would only confuse us.

145. How our territories and other possessions are governed. We have now learned how the powers of government are divided between the States and the nation, and how both are restricted by the national Constitution in the interest of the people's liberties and protection. We must remember, however, that there are parts of the United States which are not organized as States. There are the territories of New Mexico, Arizona, Alaska, and Hawaii; there are the Philippine Islands, Porto Rico, and a few other islands of less importance; and there is the District of Columbia. These territories and possessions occupy in our system of government a place entirely different from that of the States. They do not, like the States, enjoy any powers independent of the national government. The Constitution gives Congress the power to determine how each of them shall be governed. Congress has, indeed, organized the territories of New Mexico, Arizona, and Hawaii on a plan similar to that of the State governments; but Congress has the power to change this plan at any time—a power which it could not exercise over any State. Alaska is governed by officials appointed by the President

and the Senate. Congress has also provided by law special governments for Porto Rico and the Philippine Islands.

QUESTIONS FOR CLASS DISCUSSION

1. Could our national government make laws for the regulation of the school system of Alabama? For the management of trolley lines in Alabama? For the regulation of the sale of liquors in Alabama? Could it provide fire departments, sewer systems, electric lights, and street pavements for our cities? By whom are these things controlled? Why?

2. Could the State of Alabama maintain an army? A navy? A postal system? Could it build forts? Make treaties? Coin money? Issue paper money? By whom are these things controlled? Why?

3. Explain, then, what we mean when we say that our national government and our State governments are *independent* of each other. How is this independence secured? Who made the division of powers between the States and the national government? How was the division made? Are the States and the national government independent of each other in the same way that Great Britain and Italy are independent? Explain the difference.

4. Could the State of Alabama exist under its present Constitution without the national government? Why? Could the national government exist without the States? Why? Explain, then, what we mean when we say that the States and the national government are *dependent* on each other.

5. What is meant by a federal system of government?

6. What is meant by the *express* powers of the national government? The *implied* powers? The national government once built a post-road through Maryland; the national government has no express power to build roads; how, then, could the government build this post-road? Under what power did our national government acquire the Philippine Islands?

7. What is meant by the "reserved" powers? Who exercises these powers?

8. Can our national government restrict our liberty in any way that it chooses? How is it prevented? Can it, for instance, re-

strict our freedom of speech? Can it prescribe what church you shall attend? Or make you contribute to the support of some church? Why?

9. After you have committed some act, can the national government pass a law for your punishment? Why? Suppose you are arrested for some offense against the laws of the nation, can you be kept in prison indefinitely awaiting your trial? At your trial what rights would you have? How are these rights secured to you? Why were the first ten amendments to the Constitution passed?

10. Does the national Constitution place any restrictions on the powers of the States? Mention some of these restrictions.

CHAPTER XX

HOW THE NATIONAL GOVERNMENT IS SUPPORTED

146. The necessity for national taxation. Just as our State and local governments find it necessary to raise a large amount of money for their support (see chapter VII), so our national government must have a revenue in order to maintain the many important services which it undertakes. For one of these services, the postal system, we indeed pay the government *directly*; but even in this department of its work, the government yearly expends more than it collects from the sale of stamps. (See page 78.) Most of the other enterprises of the national government are undertaken at enormous expense. There must be money for the support of the army and navy, and for constructing defences along the coasts; for the erection at Washington of handsome national buildings, such as the Capitol, the White House, the Library of Congress, and the buildings occupied by the various departments of the government. Courts must be maintained throughout the land. Salaries must be paid to the President and Vice-President, the members of Congress, the judges of the courts, the heads of departments, to our diplomatic representatives abroad, and to thousands of less important officials engaged in carrying on the work of the national government.

By the national Constitution the government of the United States is given the power to raise its revenue

directly, free from any assistance or hindrance on the part of the States. There are two principal sources from which the national government has usually secured the revenue which it needs. Let us see what these sources are.

147. Duties placed on imports. Almost from the beginning of our history as a nation, Congress has laid duties on imports from foreign countries into the United States. At first these duties were small, but today they are very large. The revenue which the national government collects annually from these *customs duties*, as they are called, amounts usually to more than two hundred and fifty millions of dollars.

Apparently it is the importer of these goods from foreign countries who pays the duties on them when they are unloaded at any port of the United States. In reality, however, the importer adds the amount of the duty to the price charged for his goods. We ourselves actually pay the duty in the increased price of gloves, silks, laces, woolen goods, and hundreds of other articles we buy in the shops. This makes the burden of the customs duties much lighter, for people do not realize that they are paying these duties as a part of the price of many articles bought in the shops. We ordinarily call such a tax as this an *indirect* tax. As you can easily understand, it is much less difficult to collect an indirect tax than a direct tax, since those who purchase the goods and in reality bear the tax do not pay it to any officer of the government.

For the collection of the customs duties the national government has established customs houses in all the sea-ports and border towns of the United States. The collection is placed under control of the national Treasury De-

partment, and hundreds of customs officers are employed in this important work of the government.

You may not fully understand why the national government has chosen to raise a large part of its revenue by placing high duties on imports. Many of these imports consist of articles manufactured abroad. In most cases these articles can be manufactured just as well in our own country, and it is of great importance to us that our home manufactures should be encouraged. For many reasons, however, these articles can be manufactured abroad more cheaply than they can be made in the United States. By laying large duties upon them when they are brought into our country, these foreign articles are made more expensive. Thus you see our home manufactures are encouraged and promoted.

These high duties which our national government has laid on imports are known as a *protective tariff*. They are "protective" because their purpose is to build up home industries by "protecting" them from articles manufactured more cheaply abroad. The "tariff" is the list of duties imposed.

Many people in our country believe that the tariff should be kept high; others believe that the duties ought to be lowered. This question of whether the tariff of duties on imports shall be raised or lowered has always been one of the chief differences between our two great political parties. The Democratic Party has in general favored a low tariff—that is, they have wished to make the duties on imports small. The Republican Party has, on the other hand, favored a high tariff.

While the national government has imposed large duties upon imports, it is by the Constitution prohibited from laying any duty on exports from the United States. The wealth and prosperity of any country are enormously increased by a large export trade. It is of great importance, therefore, that the government should not be allowed to place any restrictions upon the sending of our goods to other countries.

148. Excise taxes, or internal revenue. The national government secures a large revenue from one other important source. In accordance with the power granted by the Constitution, Congress has from the beginning laid

taxes upon the manufacture of certain articles within the United States. These taxes are known as *excise taxes*. From this source the national government secures a revenue which in some years has even exceeded by many millions the enormous revenue from the customs duties. The money raised by the excise taxes is known as the *internal revenue*, for, unlike the duties on imports, these taxes are laid on goods made *within* the United States.

The principal manufactures upon which excise taxes are laid are spirituous liquors and tobacco. You may perhaps have noticed on cigar-boxes that there is always a green stamp so placed that the box cannot be opened without breaking and thus destroying the stamp. This stamp represents the excise tax that has been placed upon the manufacture of the cigars. Excises are imposed upon the manufacture of liquors and tobacco for two purposes. In the first place, they bring in a large revenue to the government; and in the second place, they raise the price and thus decrease the sale of two articles which are recognized generally to be hurtful to health and morals of the people of the country.

Like the customs duties, excise taxes also are *indirect* taxes. They are not borne by the manufacturer who pays them to the officer of the government. To the price of his liquors or tobacco the manufacturer adds the amount of the excise tax, and the purchaser pays the tax in the increased price of these articles when he buys them in the shops.

149. National and State taxation. These customs duties and excise taxes are not the only forms of taxation which the national government may adopt; but ordinarily they are the only forms employed. In times of war, when the United States government, in order to carry on the war,

has needed large additions to its revenue, taxes have been imposed on many other things. During the Spanish-American War, for example, *stamp taxes* were imposed on bank checks, freight bills, Pullman tickets, and other things, but these were withdrawn as soon as possible after the war.

The States are by the Constitution forbidden to lay any duties on imports.¹ Nor do the States as a rule lay excise taxes upon the manufacture of liquor and tobacco, although they might lay such taxes if they wished to do so. Thus you see that the States do not interfere with the two chief sources of the national revenue—the customs duties and the excise taxes.

On the other hand, the national government does not ordinarily lay taxes on real estate, personal and business property, franchises; nor does it impose poll-taxes; and only in rare instances license taxes. These, as we have seen (see chapter VII), are the chief sources of our State and local revenues. We see, therefore, that the methods by which the government of the nation and the governments of the States secure their respective revenues are usually quite distinct. This has its advantages, for if taxes were laid by both governments on the same things, it might result sometimes in excessive taxation.

150. The principles of national taxation. In the exercise of its taxing power, the Constitution places two important restrictions upon the national government. In the first place, *direct taxes must be apportioned among the States according to their population.* The result of this restriction is that Congress has seldom attempted to levy a direct

¹Both the States and the national government are prohibited from laying duties on exports from the United States.

tax. It is far too difficult to apportion such a tax among the States. For example, suppose Congress should attempt to lay a tax on land. This would be a direct tax, for the owner of the land would himself bear the tax. This tax would have to be distributed among the forty-six States according to their population. This would require a different rate of taxation in each of the States and an army of officers to superintend its collection.

The second principle of taxation required by the Constitution is that "*all duties, imposts, and excises shall be uniform throughout the United States.*" This means that Congress may not levy a duty on imports brought into New York and refuse to levy the same duty on similar imports brought into Mobile or San Francisco. No preference can be given to the ports of one State over those of another. Nor may Congress impose an excise tax on one manufacturer of liquors or tobacco and refuse to impose a like excise on another manufacturer of similiar articles.

151. Who controls the nation's finances. The Constitution provides that Congress alone shall have the power to levy taxes; and Congress, as we shall see (see page 207), is composed of representatives of the people chosen in the several States of the Union. Moreover, tax bills must be proposed in the lower house of Congress, which, as we shall learn, represents the people more directly than does the upper house. It is a great protection to the people under any government, if taxes can be imposed upon them only by their representatives to whom they have given this power.

Congress must also provide for expending the money raised by taxation. No officer of the government may pay out any portion of the public funds unless he receives

his authority to do so by an act of the national legislature. Bills which provide for expending the money of the nation are known as "appropriation bills."

QUESTIONS FOR CLASS DISCUSSION

1. Who is the postmaster at your post-office? Who pays him for his services? Is there a rural free delivery in your community? Who pays the carrier for his services? How is postal service supported?

2. Who pays for the support of our army? For the building of our battleships? For the construction of coast defences, like Fort Morgan and Fort Gaines? Who pays the salaries of the President, the members of Congress, our diplomatic representatives, and all the other officers of the national government? Mention other services undertaken by the United States government which require large expenditures of money. How is this money secured? Explain, then, how we as a people are benefited by the taxes paid to the national government.

3. Find out from your father whether he pays any taxes directly to the national government.

4. What are imports? Suppose an importer buys gloves in London for one dollar a pair and pays on each pair imported to the United States a duty of sixty cents; what would these gloves probably sell for in American shops? Suppose you buy a pair of them, who pays the duty of sixty cents? Do you realize that you are paying it? Do you pay it directly to the government? Who pays it to the government collector? What kind of tax is this called, and why?

5. Why does the United States government place large duties on imports? Why is this called a "protective tariff"? Explain fully how our protective tariff encourages home manufactures.

6. Have you ever seen a government stamp on a cigar box? How is this stamp placed, and what does it mean? On the manufacture of what article besides tobacco are excise taxes levied? Why does the national government place taxes on the manufacture of these articles?

7. Suppose it costs a manufacturer two dollars to make a box of cigars, and suppose the United States government places an ex-

cise tax of fifty cents on each box that he makes; what would this box probably sell for in the shops? Who pays the tax of fifty cents? What kind of tax is this called, and why?

8. Explain how our national government and our State government secure their revenues from different sources. What is the advantages of this?

9. What are the two great principles of national taxation? What difficulty would the government of the United States meet if it laid a tax on real estate? Suppose a New York importer pays a duty of \$3 a yard on lace worth \$5 a yard; what duty will a Mobile importer pay for the same lace?

10. Who has the power to impose these duties and taxes? Who provides for expending the money that is raised by these means?

CHAPTER XXI

HOW THE NATIONAL LAWS ARE MADE

152. The two houses of Congress. During the brief period of our history when the thirteen original States were governed under the Articles of Confederation, the laws of the nation were made by a Congress consisting of a single body. Our national Constitution, which was adopted in 1789, provides for a legislature composed of two houses, one of which is known as the *House of Representatives* and the other as the *Senate*. In order for any measure to become a law, it must be passed by both of these houses of Congress. Thus the makers of our Constitution sought to prevent laws from being made without due care and deliberation.¹

153. How the States are represented in Congress. In the Congress that existed during the period of Confederation, each State was entitled to cast only one vote, without regard to its population or the number of representatives that it had in Congress. As a result of this, the small State of Delaware had as much power in making the laws of the nation as Virginia, which was then the largest State of the Union. At the time of the framing of our present Constitution, the smaller States wished to continue this equal representation of the States in Congress. The large States, however, wanted the States to be represented in

¹The framers of the Constitution were influenced by the fact that the British Parliament, which is the law-making body of Great Britain, consists of two houses, while most of the colonial legislatures had likewise been composed of an upper and a lower house.

proportion to their population, for this would increase their power in the national legislature. When it was decided that Congress should consist of two houses, the difficulty was readily overcome; the large States were given what they desired in one house and the small States in the other. It was provided that in the House of Representatives each State should be represented according to its population; in the upper house each State was given the same number of senators.

1. *The House of Representatives.* Each State is by the Constitution permitted to choose members for the House of Representatives in proportion to its population.¹ For the purpose of electing *congressmen*—as members of the House of Representatives are usually called—each State is divided into *congressional districts*, and one congressman is elected by the voters of each district. At present Alabama has a population which entitles the State to nine congressmen. There are, therefore, nine congressional districts in Alabama. You must not suppose, however, simply because congressmen are elected by districts, that they represent their districts in Congress. Every representative should keep before him the interests of the entire nation; he should not feel that he represents only the limited number of people who elected him.

As we have already noted (see page 107), provision is made in the Constitution for ascertaining the number of people in each State by taking a *census* every ten years. After each new census Congress has to determine how many representatives each State is to have in accordance with the new record of its population. This is called *reapportioning* the representation of the State. At this time some States are given additional representatives be-

¹Before the abolition of slavery every five slaves were counted as three whites in determining the population of the slave States.

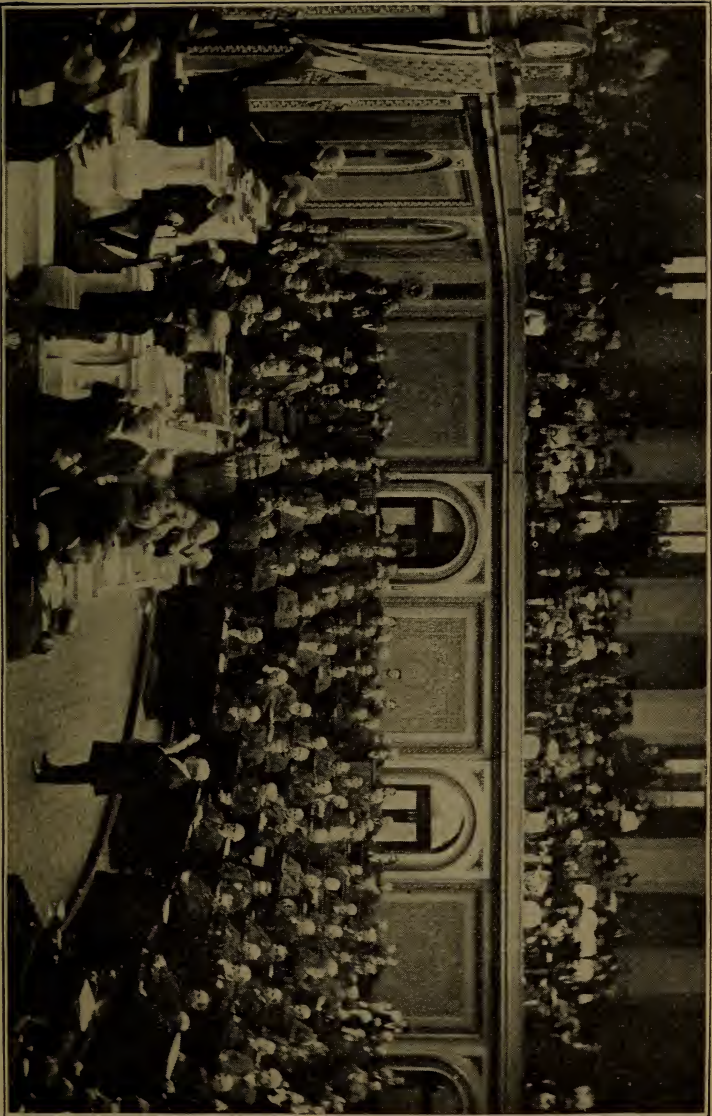
cause of their large increase of population since the preceding census. Moreover, a State may, in the reapportionment, be deprived of one or more of its representatives, but in practice this is usually avoided.

At present each congressman is elected by a population of about two hundred thousand people. If, however, a small State has less than this population, it must be given at least one representative. The Constitution does not place any limit upon the size of the House of Representatives. At present it numbers nearly four hundred members.

2. *The Senate.* In the United States Senate each State, without regard to its population, is entitled to two senators. The result is that Nevada, with a population of less than fifty thousand, has the same representation in the Senate as the State of New York with a population of more than ten millions.

Senators are not elected by the people as are the members of the lower house; they are chosen by the legislatures of the various States. There are many disadvantages in choosing senators by this method. The position of senator is usually much sought after, for it carries with it great dignity and influence. In consequence, the members of our State legislatures are often chosen solely with reference to how they will vote on the choice of the United States senator. Our State law-makers ought to be chosen wholly with reference to their ability to make proper laws for the State.

For thirty years efforts have been made to change this method of electing United States senators. This would require an amendment to the national Constitution, and as we have seen, amendments can be passed only with great difficulty. (See page 184.) Some States have adopted



THE HOUSE OF REPRESENTATIVES IN SESSION

This picture represents the House engaged in swearing the Speaker into office. The Speaker stands behind the desk to the left with his right hand uplifted, taking the oath.

the plan of choosing in advance the candidate for whom their legislature must vote. This is accomplished by holding a primary election at which the voters of the State declare their choice of the various candidates for United States senator. When the legislature meets after such a primary, it has only to vote formally for the candidate who was elected at the primary.¹ In other States the senatorial candidate of a particular political party is nominated at a *party* primary held for that purpose. (See page 157.) When the legislature of the State comes together, the legislators who belong to the party that held the primary vote for the candidate thus chosen.

In August, 1906, the Democratic Party in Alabama held such a primary election for the purpose of nominating two senators to represent Alabama in the United States Senate. Senator John T. Morgan, who had represented the State continuously since 1877, and Senator Edmund Winston Pettus, who had held the other senatorial office since 1897, were both renominated without opposition. In January, 1907, both of them were unanimously re-elected by the State Legislature, a majority of whose members were of the Democratic Party. At the same primary a first and a second *alternate* were chosen by the voters of the Democratic Party to fill the office of United States Senator from Alabama in case either or both of the offices became vacant. In the summer of 1907 both of Alabama's venerable and revered senators died. The Legislature, which happened to be in session at the time, promptly

¹Such a primary was held in Oregon in 1907. A majority of those voting at the polls cast their ballots for the candidate of the Republican Party. When the State legislature met, it was found that a majority of its members were of the Democratic Party. A curious result followed. The Democratic legislature elected a Republican senator because the people of the State had made him their choice at the primary.

elected the alternates whom the voters of the party had chosen at the primary election.

154. The term of office of members of Congress. Members of the House of Representatives are chosen every two years in November. Each representative, therefore, serves for a term of two years. If he returns to Congress for another term, he must be re-elected by the voters of his district. Representatives are sometimes re-elected for many terms. In some instances the same congressman has been chosen continuously by his district for twelve or fifteen terms.

A senator holds his seat for six years. Unlike the House of Representatives, the entire Senate is not renewed at the end of the senatorial term. Instead of the whole number of senators being chosen every six years, one-third of them are chosen every two years. By this means it is impossible for more than a third of the Senate to consist of new members, for the other two-thirds always hold their positions over from one session of Congress to another. Moreover, many of the Senators are re-elected at the end of their terms of office. The Senate, in consequence, consists of a body of men most of whom have held their seats for a long period of time. This gives a permanence of character to the Senate which the House of Representatives lacks because of the many changes that are made every two years.

155. Who may be chosen members of Congress. The Constitution requires that senators and representatives shall be citizens of the United States and inhabitants of the State from which they are chosen. Senators must be at least thirty years old and congressmen at least twenty-five years old. Usually, too, a congressman must reside in

the district in which he is elected, although this is not required by the Constitution.

In general only men of intelligence and high character are chosen to be members of the national Congress. Nearly always a majority of them are lawyers of ability. As you may imagine, the longer a congressman or senator holds his seat in Congress the more influential he becomes. Ordinarily a representative who holds office for a single term of two years and is not re-elected does not wield a large amount of influence in the law-making body of the nation.

156. How Congress is organized. Each house of Congress has the power to determine how it shall be organized for business, and whether those who claim to be members have been properly chosen. Each house elects its own officers, with the single exception that the Vice-President of the United States must be the presiding officer of the Senate.

The House of Representatives chooses for its presiding officer one of its own members. This officer is called the *Speaker*. He is not mentioned in the national Constitution; but owing to the powers which have been given him by the House, the Speaker is today the most powerful officer of the national government next to the President of the United States. He is usually the strongest man in the political party which has elected a majority of the members of the House. He has the power to appoint the standing committees of the House, through which, as we shall see, every proposed measure must pass. He has the power also to recognize or refuse to recognize any member of the House who desires to introduce a bill or to speak on a measure that has been proposed. He can thus give preference to those whom he wishes to hear

and can prevent his opponents from being heard before the House. Moreover, he has such control over the order of business in the House that he can practically "kill" any proposed measure by refusing to let it come to a vote. Thus, you see, large powers indeed are placed in the hands of the Speaker of the House of Representatives.

157. The committee system in Congress. If you have ever visited the House of Representatives during a session of Congress, you must have been impressed by the general noise and disorder that prevails. It seems almost as if no business at all is being transacted. Many of the members are absent from their desks. Those who are present are reading newspapers, or writing, or walking about, or conversing with one another. Usually some member is speaking, but scarcely anybody is listening to him. It is only upon exceptional occasions that all the members are in their seats giving close attention to the speeches that are being made. How is it, you ask, that so many important measures can be passed by this House under such circumstances? It is because the *real* business of the House is being carried on in the committee rooms.

When Congress comes together, and the Speaker has been elected, his first duty is to appoint a number of standing committees. Each of these committees has for its consideration measures that relate to one particular branch of the national government's work. Every member of the House of Representatives is eager to have the Speaker make him a member of some important committee; for it is in the committee room that a congressman does his real work and becomes a power in making the laws of the nation. The Speaker usually appoints the chairman and a majority of each committee from the members of his own party.

In the Senate the standing committees are not appointed by the presiding officer; they are elected by the Senate. Here, too, the majority of each committee are usually members of the leading political party.

158. How a measure becomes a law. At each session of Congress an enormous number of measures are introduced in each house. As a matter of fact, not one in ten of these measures ever becomes a law. If each member were permitted to introduce any measure that he chose and have it immediately debated before the house, almost nothing



NEW OFFICE BUILDING OF THE HOUSE OF REPRESENTATIVES

would be accomplished. Hence the committee system has been adopted. When a measure is introduced by any member, it is referred at once to an appropriate committee. The committee considers the proposition carefully and perhaps revises it. Later the committee reports the measure to the house in which it was introduced, and advises that it be enacted or rejected. Important bills, after they have been reported by a committee, are discussed in the house, and frequently they are changed, or amended as it is called. Ordinarily, however, the house relies

largely upon the report of the committee and passes or rejects the bill according to its recommendation.

This method of handling the business of Congress by means of committees makes it possible for a large number of bills to be considered. More than two thousand have sometimes been passed by a single Congress, and probably ten times that number of measures are proposed and referred to the various committees. It must be remembered, however, that when any bill is passed through either house of Congress, it must go through a similar process in the other house, and later it must be submitted to the President for his signature. (See page 221.)

159. The meetings of Congress. Every year, on the first Monday in December, Congress comes together. The election of members to the House of Representatives takes place all over the United States in November of the even-numbered years. In theory each Congress begins its life on the fourth of March following this election and remains in existence for two years. In practice Congress usually comes together in December of the next year and continues in session until some time during the spring, adjourning usually in May or June. This first session of every newly elected Congress begins, therefore, in December of the odd-numbered years and is known as its *long session*. The second and last session of every Congress begins in December of the even-numbered years and comes to an end on the third of March following. This is known as its *short session*.¹ In addition to these regular sessions, extra sessions are sometimes called by the President of the United States.

¹To illustrate: The members of the Sixtieth Congress were elected in November, 1906. This Congress assembled for its first, or long, session in December, 1907. Early in June, 1908 this session adjourned. The second, or short, session of the Sixtieth Congress began in December, 1908, and came to an end March 3, 1909.

Congress meets in the national Capitol, a magnificent structure located in the city of Washington. In the north wing of this building is the chamber of the Senate; in the south wing, that of the House of Representatives. In recent years the Capitol was thought to be too small to accommodate the members of Congress and its numerous committees, and Congress provided for the erection of two splendid office buildings on either side of the Capitol, one for the use of senators and the other for the use of congressmen.

The Capitol stands in the midst of beautiful park laid out with grass plots, trees, and shrubbery. Spacious avenues lead up to it from all parts of the city. As you stand upon its dome, these avenues seem to radiate from the Capitol like the spokes of a wheel.

QUESTIONS FOR CLASS DISCUSSION

1. Find out the number of the *congressional district* of Alabama in which you live. Find out, if you can, the name of the present congressman from your district. When was he elected? How many terms has he served? When will the next congressional election be held? Will your congressman be elected at the same time that congressmen will be chosen in other districts of Alabama and in the other States of the Union?

2. How many congressmen has Alabama? Explain why Alabama has this number, while New York, for instance, has many more, and Delaware many less. Who determines the number of congressmen that each State shall have? How often is this matter determined? When will the next reapportionment take place?

3. How many senators has Alabama? How many have the other States? Find out the names of the present senators from Alabama. How long has each of them served? How were they chosen? How long has each of them yet to serve? Were they elected for full terms or to fill unexpired terms? When will Alabama choose another senator? Explain how our senators last chosen were nominated. How will our next senators probably be nominated? Why?

4. How many members has the Senate? Why? How long is their term of office? Are all of them chosen at the same time? Explain, then, how the Senate is only partly renewed from session to session of Congress. What advantage has this? Explain how some of the States in reality choose their senators by popular vote. Why are senators not chosen by direct popular vote? How could this change be brought about? Why is it not made? What advantage would it have?

5. What advantage is there in having two houses of Congress? Explain how the people are represented on a different basis in each house. Why was this plan adopted?

6. Who presides over the Senate? Over the House of Representatives? What powers has the Speaker? How is he chosen? Who is the present Speaker of the House?

7. Why was the committee system adopted in Congress? How are the committees chosen in each house? Explain how every measure must pass through either house of Congress. Explain in full, then, how every law is made. What advantages has this system?

8. How long does each Congress exist? How many regular sessions does each Congress hold? When do the sessions begin and how long do they last? What is meant by the "long" and the "short" session of Congress?

9. Is Congress in session at present? If not, when will it assemble? Will this be for the long or the short session? How do you know?

10. Where does Congress meet? Have you ever seen the Capitol? Describe it. (See page 160.) Have you ever attended a session of either house of Congress? Tell the class what you saw. Describe the Hall of the House of Representatives. (See page 209.)

CHAPTER XXII

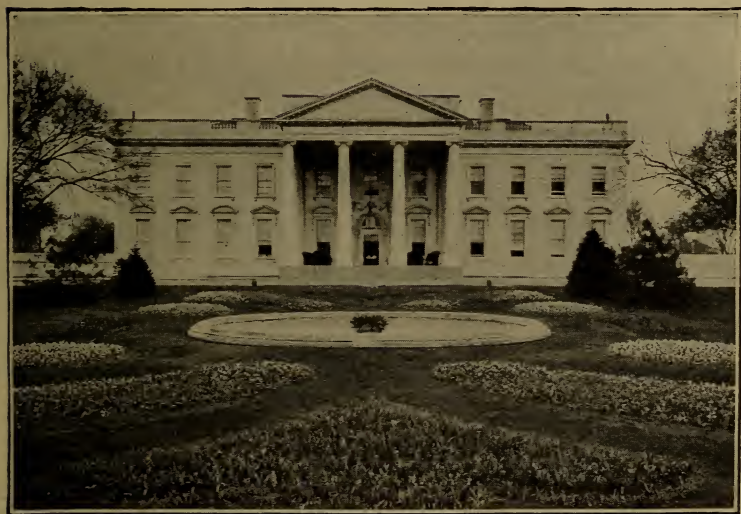
HOW THE NATIONAL LAWS ARE PUT INTO OPERATION

160. The executive officers of the nation. The Constitution does not intrust the State officers with the power to put the laws of the nation into operation. It provides that the national laws shall be executed by a separate body of officers, with the President of the United States at their head. Congress has provided by law what officers in addition to the President are necessary for carrying out the laws. These officers constitute the executive department of the national government.

161. How the President is chosen.¹ Perhaps you may not know that when we go to the polls for the election of a President and Vice-President, we do not vote *directly* for the candidates for these offices. We cast our votes for a number of officers known as *presidential electors*. The Constitution provides that each State may choose as many electors as it has representatives and senators in Congress. The whole number of electors in any State is known as its *electoral college*. Under this system, Alabama chooses at each presidential election eleven electors, for Alabama has, as we have seen, nine representatives and two senators.

¹After the first few presidential elections, it was apparent that the original plan of choosing the President and Vice-President of the United States was a failure. In 1804, by the adoption of the twelfth amendment, our present plan of election was established. See page 185.

In each State the proper number of electors are chosen at the polls in November of every fourth year; and in each State these electors come together the following January to vote for a President and Vice-President of the United States. They send the result of their vote to Washington, where the votes of the electors in all the States are counted. The original idea contained in this method of naming the President was that the electors chosen in the several States would be men of greater



THE WHITE HOUSE

Residence of the President of the United States

ability than the average voter, and that they would be better able, therefore, to choose a suitable President and Vice-President. As a result of the control which political parties have over these elections, the electoral colleges have been robbed of this important power. Let us see how this is brought about.

In its national convention (see page 242), each of the political parties nominates one candidate for President and another for Vice-President. A party convention is held also in each of the States, and the proper number of electors for the State are nominated by this convention. When we go to the polls, we are given a ballot which contains the lists of electors nominated in this fashion by each of the parties, and we cast our ballot for the electors of our party. But these electors have no independent choice at all. They *must*, upon being elected, vote for the candidates which their party has nominated at its national convention. No elector would dare vote for any other. While we still continue to cast our vote at the polls not directly for President and Vice-President but for electors, this has become a mere form. We *actually* vote for the candidates of our party; for if the electors of our party are victorious in our State, they *cannot* in the electoral college cast their votes for any other candidates. So little part do the electors have in choosing the President that the average voter scarcely knows or cares who they are.

One other point we should bear in mind. When the votes of the electors are counted at Washington, each State is counted as having one vote for each elector to which it is entitled. The *entire* electoral vote of any one State is, however, usually cast for the candidate of one political party, even though the parties in the State are divided nearly evenly. For example, if the Democratic party in Alabama has only a small majority of voters over the Republican party, the Democratic electors will be chosen at the polls instead of the Republican electors; and they will cast all of Alabama's eleven electoral votes for the Democratic candidates for President and Vice-President.

The whole number of electoral votes is nearly five hundred, for there are in Congress ninety-two senators and nearly four hundred representatives.

162. The President's term of office. The President and Vice-President of the United States are elected for a term of four years, beginning on the fourth of March following the choice of electors in November. Many of our Presidents have been re-elected for a second term, but it is now a well established custom that no President will stand for re-election for a third term.

163. The powers of the President. The Constitution and the laws of Congress grant many important powers to the President and impose upon him many important duties. Perhaps it will be well for us to classify the powers and duties of the President.

1. The President's power over legislation. At the opening of each session of Congress, the President sends to the national legislature a message in which he discusses the condition of the country and recommends the passing of certain laws. Sometimes during the session he sends further messages to Congress, and at all times he keeps closely in touch with the leaders of Congress and the members of its committees, advising with them as to the framing of bills to be presented. In this manner he exercises great influence in the making of our national laws.

When a bill has finally passed both houses of Congress, it must be sent to the President for his signature. The Constitution gives him ten days in which to consider the bill. If at the end of that time he has taken no action, the measure becomes a law without his signature.¹ Be-

¹If, after a bill has been presented to the President, Congress adjourns before the expiration of ten days, the bill does not become a law without the President's signature. This is known as the "pocket veto."

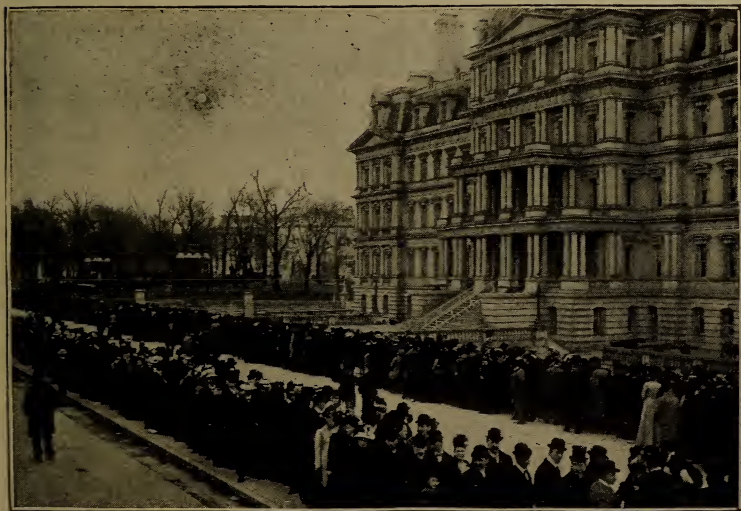
fore the expiration of these ten days, however, the President may veto the bill and return it to Congress with his reasons for refusing to approve it. If Congress passes the bill again by a majority vote of two-thirds in each house, the measure becomes a law in spite of the President's disapproval. It is usually very difficult, however, to secure the two-thirds vote necessary to "over-ride" the President's veto.

During the summer and fall months, when Congress is not in regular session at Washington, the President is sometimes convinced that measures of importance should be immediately enacted into laws. At such times he has authority to call a *special session* of the national legislature.

2. *The President's power to appoint other officers.* The President and Vice-President are the only national executive officers elected by the people. All the other officers are appointed. The most important of these, as for instance the heads of departments, ambassadors and ministers, judges, and postmasters, are nominated by the President and approved by a vote of the Senate. A few officers are appointed by the President alone. In addition to these, a vast number of less important officers and employees are appointed by competitive examinations held under the direction of a board known as the *Civil Service Commission*.

In nominating most of the important officers of the national government, you must not think that the President can always act with independence. He is influenced and controlled largely by the wishes of the members of Congress. Especially is this true in the appointment of such officers as judges, postmasters, and customs officers, who serve at posts throughout the entire United States. Senators and congressmen usually have great influence with the President in such appointments.

3. *The President's power to remove other officers.* The President must see that the laws of the nation are faithfully executed. It is his duty, therefore, to see that the other executive officers are properly performing their work. This would be impossible unless the President had the power to remove from office those who were inefficient, or who refused to carry out the law or his orders. With the exception of a period of about twenty years, the President has always exercised this important power of removal.



A NEW YEAR'S RECEPTION AT THE WHITE HOUSE

Showing thousands of persons in line entering the White House on the occasion of the President's public reception held every New Year's Day. The large building in the foreground is occupied by the State, War, and Navy Departments.

Officers are removed by the President not only to secure better service in the government but sometimes also in the interest of political parties. Whenever a new President is elected by a party which has been out of power,

it is usual for a large number of the more important officers either to resign or to be removed from office by the President. Their places are then filled by members of the political party which has come into control of the government.

4. *The President's power over foreign affairs.* The President has the power, with the consent of the Senate, to appoint those diplomatic officers who are sent to represent us in foreign countries. It is he, also, who receives the diplomatic representatives sent to the United States. As we have already seen, he has the power to draw up treaties with foreign nations, although these must afterwards be approved by a two-thirds vote of the Senate. Thus the President as the chief officer of the nation plays an important part in the conduct of our relations with foreign nations.

5. *The President's power over the army and navy.* By the Constitution the President is made commander-in-chief of the army and navy. This gives him large control over the appointment of army and navy officers and over the movements of our land forces and vessels of war. Congress has given him the power to call out the State militia in time of public danger (see page 167); and the Constitution places him also at the head of these forces when they are called into the service of the nation.

6. *The President's pardoning power.* The President has the power to pardon those who have committed offenses against the laws of the United States. This power is given to the President for the same reason that the Governor of our State is given the power to pardon those who have committed offenses against the laws of Alabama. (See page 117.)

164. The importance of the President's powers. You have probably noticed that many of the President's powers are similar to the powers exercised in Alabama by the Governor of our State. You must bear in mind, however, that the President exercises his powers over the whole United States, and the laws which he executes are the laws of the entire nation. Moreover, in addition to the ordinary powers that every Governor exercises within his State, the President has a large control over the the foreign affairs of the nation, over the army and navy, and over the appointment and removal of the executive officers of the nation. He occupies, therefore, a more important position in the government of the nation than the Governor occupies in the government of the State. He is more responsible for the proper execution of the national laws than is a State Governor for the execution of State laws. As a matter of fact, he is the most commanding and powerful officer in the United States. He is directly responsible to the people who placed him in office for the faithful performance of his duties.

The Constitution requires that the President shall be a natural born citizen of the United States—thus excluding naturalized citizens. (See page 172.) He must be at least thirty-five years old and must have resided in the United States for fourteen years preceding his election.

In case the office of President becomes vacant for any cause, he is succeeded by the Vice-President. And in case both the President and the Vice-President are unable to fill the office, Congress has provided by law that the heads of the departments shall fill the vacancy in the following order: The Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney General, the Postmaster General, the Secretary of the Navy, and

the Secretary of the Interior. Five times the President of the United States has died in office and has been succeeded by the Vice-President.

165. The executive departments. In order to assist the President in putting the national laws into operation, Congress has created nine *executive departments*, each with a *head*, and each having under its control one branch of the government's work. For the convenience of the work, these departments are divided into *bureaus*, and over each bureau is an officer known as the *bureau chief*. Let us see what duties have been given to these various departments by Congress.

1. *The Department of State*, under direction of the Secretary of State, attends to all the details of our foreign affairs. It gives instructions to our diplomatic representatives abroad and superintends all our relations with foreign governments.

2. *The Department of the Treasury*, under the direction of the Secretary of the Treasury, manages the financial affairs of the nation, collects its revenues, controls the mints and the national banks, and pays out the money authorized by Congress. It also superintends the life-saving stations along the coasts.

3. *The Department of War*, under the direction of the Secretary of War, provides for the equipment and management of the army. It has charge of the money set apart by Congress for the support of the United States Military Academy at West Point, New York, where young men are trained for service in the army. The improvement of our rivers and harbors is also placed under the control of this department.

4. *The Department of the Navy*, under the direction of the Secretary of the Navy, provides for the navy in the

same way that the War Department provides for the army. It has control of the money appropriated for the support of the United States Naval Academy at Annapolis, Maryland, where young men are trained for service in the navy.

5. *The Post-Office Department*, under the direction of the Postmaster General, has the entire management of the United States postal service.

6. *The Department of Justice*, under the direction of the Attorney General of the United States, gives advice on questions of the law to the President and the other execu-



THE UNITED STATES TREASURY BUILDING

tive officers of the nation. When the United States government sues or is sued in the courts, the national government is represented by the Attorney General or by one of the United States district attorneys. (See page 238.)

7. *The Department of the Interior*, under the direction of the Secretary of the Interior, has control over a number of matters relating to the affairs within the country, such as Indian affairs, public lands, pensions, patents, and copyrights,

8. *The Department of Agriculture*, under the direction of the Secretary of Agriculture, collects information in regard to the agricultural conditions of the country, the improvement of roads, and similar matters. The department has no control over these things. It does not, for instance, provide money for the building of roads, for this is a matter belonging properly to the States. The department is established merely to advise and assist those who desire information. It has control also over the weather bureau and the government forest reserves.

9. *The Department of Commerce and Labor*, under the direction of the Secretary of Commerce and Labor, encourages the promotion of commerce, mining, and manufacturing. It collects information in regard to these things and concerning the conditions of labor within the country. This department also is established for the purpose of giving advice and assistance to those who desire it. In addition to this it has charge of the taking of the census, supervises immigration, and manages the lighthouses along the coasts.

All of these executive departments are located in Washington, where large and imposing buildings have been erected for their use. Thousands of officers and clerks are employed in carrying on the work of the departments. Many of these reside permanently in Washington. Others are scattered in all parts of the country, as for instance, the customs and internal revenue officers of the Treasury Department, the postmasters and clerks of the Post-Office Department, the district attorneys of the Department of Justice, the agents of the weather bureau and the forest service of the Department of Agriculture, and the census officers and immigration officers of the Department of Commerce and Labor.

166. The President's cabinet. The heads of the nine executive departments act as the President's advisers. He may consult them either in person or in writing, or he may

call them together to consider any matter of interest and importance in carrying on the work of the government. He is not compelled, however, to accept their advice, nor indeed to consult them unless he chooses. These heads of departments are together known as the President's *cabinet*.

The President usually selects the members of his cabinet with great care. They must be men in whom he has confidence and upon whose judgment he can rely, for the President needs their opinion on many important questions. They constitute his executive "family." In case the President is dissatisfied with any member of his cabinet, he has absolute power to remove him from office.

QUESTIONS FOR CLASS DISCUSSION

1. Do the officers of our State government put the national laws into operation? If not, how are the national laws enforced? Explain why the national executive officers are necessary.

2. Who is now President of the United States? When was he elected? How long has he yet to serve? Can he be re-elected at the end of his present term of office?

3. What is meant by presidential electors? How are they nominated? How are they elected? What is their duty? Do you know of any one who has ever been a presidential elector? Why do we take so little interest in the choice of presidential electors? Explain fully the original idea of the electoral college. Have the electors any independent choice in casting their vote for President and Vice-President? Explain how, in spite of the fact that we cast our vote at the polls for presidential electors, we in reality vote for one of the candidates for President.

4. How many electoral votes has Alabama? Why? Explain how the *entire* electoral vote of Alabama will be cast for the Democratic candidate even though the Democratic party may cast only a small majority of the votes in the State.

5. Why is the President required to send a message to Congress?

What is meant by his veto? How may it be "over-ridden"? When may the President call a special session of Congress? Does the President have any influence in the making of our national laws?

6. What officers of the national government are elected by the people? How are the other important officers chosen—the heads of departments, for instance, the ambassadors and ministers, the judges, the postmasters? How are most of the less important officers chosen? Suppose the President wishes to nominate the postmaster in your community, how would he probably get the names of suitable candidates for this position? How would the appointment be made? How is the President influenced in the nominations which he makes to the Senate?

7. Why is it necessary that the President should have the power to remove cabinet and other officers? What share does the President have in making our treaties with foreign countries? What is his position in the army and navy?

8. Who may be chosen President of the United States? In case of the President's death, who succeeds him? In case of his successor's death, who would become President?

9. What is meant by the executive departments? How many departments are there? Give some idea of the business undertaken by each of these departments.

10. What is meant by the President's cabinet? What are the names of some of the present cabinet officers? Who appointed them? Who may remove them?

CHAPTER XXIII

HOW THE NATIONAL LAWS ARE EXPLAINED AND APPLIED

167. Why the national courts are necessary. We have already learned that in our State government a complete system of courts is established; and we have seen how these courts apply the laws in particular cases and thus protect us in our rights and liberties. (See chapter XII.) Now you can readily understand the difficulties that would arise if the State courts throughout the length and breadth of our land were given the sole power to explain and apply the laws of the nation. Courts in different States would explain the national laws quite differently. Sometimes they might be unfriendly to the laws passed by Congress and might refuse to enforce them. In order to avoid this confusion and weakness, the Constitution provides for a system of national courts which are wholly independent of the State courts. These courts constitute the judicial department of the national government.

168. The system of national courts. The Constitution says that there shall be one Supreme Court of the United States and as many other courts as Congress may see fit to establish. Congress, therefore, has by law determined what national courts shall be established in addition to the Supreme Court, and how many judges shall be appointed for each court, including the Supreme Court. Let us see the various national courts which have been provided for by Congress.

1. *The United States Supreme Court.* At present the Supreme Court consists of nine judges, or justices as they are called. One of these, the Chief Justice, presides over the court. No case can be heard by less than six of these justices, and a majority of those hearing the case must agree upon every judgment that is made. Almost the entire work of this Court consists in hearing what is known as *appealed cases*. These are cases that have already been tried in the lower United States courts or in the courts of one of the States, and have been properly brought up, or appealed, to the Supreme Court for a final determination.

The United States Supreme Court is the highest court of our nation and is perhaps the most powerful court in the world. Its justices are men of great learning in the law and of integrity and character above reproach. A seat upon the Supreme Bench, as it is called, is one of the highest honors in the gift of the nation. John Marshall, of Virginia, was the greatest chief justice this court has ever known. From 1801 until the time of his death in 1835 he presided over the Supreme Court as its Chief Justice. In the opinions which he handed down during these years, he explained more clearly than any one else the real meaning of our national Constitution, and the true nature of the federal government which it created.

The Supreme Court holds its sessions in the Capitol building at Washington usually from October until May. It is a solemn, dignified, and impressive court of justice. During the sitting of the court the justices wear long black gowns.

2. *The Circuit Courts of Appeals.* Congress has provided that for judicial purposes the entire country shall be divided in nine *circuits*, a number of States being included in each circuit. In 1891 there was established in each of

these circuits a Circuit Court of Appeals. These courts hear cases appealed from the lower United States courts, and in many instances they have the power to determine these cases finally, without any further appeal to the Supreme Court. These Circuit Courts of Appeals were established to relieve the Supreme Court of a part of its work. Under the old organization of the courts, so many cases had been appealed to the Supreme Court that in 1890 it was already several years behind in its work.

3. *The Circuit Courts.* Long before the establishment of the Circuit Courts of Appeals, a court known as the Circuit Court was provided for each of the nine judicial circuits. The Circuit Courts sit first in one place, then in another within their circuits, and hence the name "circuit" court. Congress has determined what cases may properly come before these courts. Alabama, together with Georgia, Florida, Mississippi, Louisiana, and Texas, is in the fifth judicial circuit of the nation.

4. *The District Courts.* The lowest and most numerous branch of United States Courts are the District Courts. In each State and Territory Congress has provided for one or more *judicial districts*, and in each district there is a United States District Court, having the power to try classes of cases prescribed by Congress. There are in all about eighty of these District Courts in the United States.

Alabama is divided into three of these national judicial districts known as the Northern, the Middle, and the Southern Districts of Alabama. In each of these districts there is one United States District Court, which sits from time to time at various places within the district.

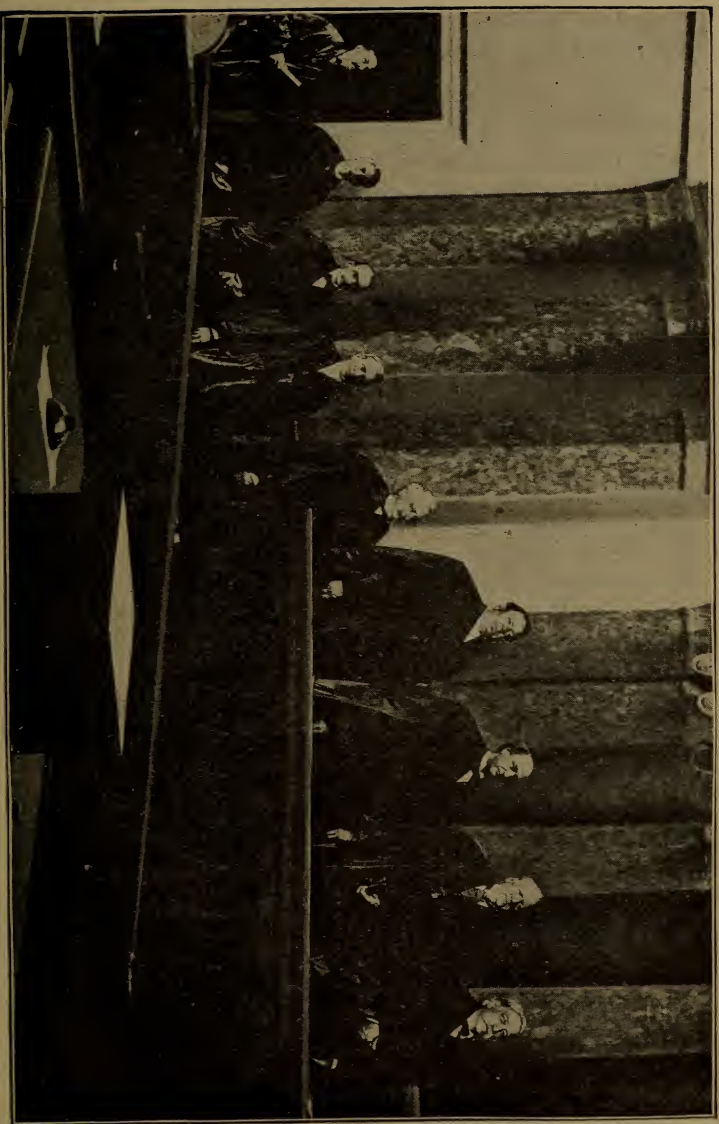
Thus, you see, there are four kinds of national courts—(1) a Supreme Court, (2) nine Circuit Courts of Appeals, (3) nine Circuit Courts, and (4) about eighty District

Courts. With the exception of the Supreme Court, most of these United States courts sit within the limits of some State. You must bear in mind, however, that they are entirely distinct from the courts of any State, and that, for the most part, they hear cases which cannot be brought before the State courts.

169. What cases may be brought before the national courts. The Constitution describes in detail the different kinds of cases which may properly be brought before the courts of the United States. It is unnecessary for us to note all these different classes of cases, for some of them are of no great importance. It is of far greater value to us to understand in general that the national courts consider one important class of cases, and the State courts another important class.

In the first place the national courts may determine all cases arising under the Constitution, the laws, and the treaties of the United States. If, for instance, a man claims that his patent or his copyright (see page 174) has been violated by another man, he brings his suit in a national court, for these are rights in which he is protected by the laws of Congress. Again, if a person is accused of counterfeiting United States money, or of stealing from the United States mails, he is tried in a national court, for these are offenses against the laws of the nation. Such cases as these do not come before the State courts; they do not require the application of State law but of national law.

Cases of one other important class are brought before the courts of the nation. Ordinarily these courts do not interpret and apply the laws of any State; this is the duty and the privilege of the State courts. But suppose a dispute arises between two States, and one of them brings suit against the other. Naturally neither of the States



THE UNITED STATES SUPREME COURT

Showing the nine Justices entering the Supreme Court room.

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would be willing to have the trial conducted in the courts of the other State. The Constitution provides that such a suit may be brought in the United States Supreme Court. Again, suppose a citizen of one State sues a citizen of another State; or suppose a suit arises between a citizen of one of the States and a foreigner. In such cases as these, the courts of any particular State might be inclined to favor the citizens of that State as against outsiders. It is provided, therefore, that such suits may be brought in the national courts, even though they may require the application only of State law.

There are a number of other kinds of cases which may come before the national courts, but these arise much less frequently than the two classes we have mentioned. We should all remember that, for the most part, the cases heard in the United States courts are: (1) those which require the application of the laws of the nation; and (2) those in which, by reason of the character of the parties engaging in the suit, the national courts may be expected to render more impartial decisions than the State courts.

170. How the Supreme Court protects the Constitution against the States. In addition to these cases which clearly fall to the national courts for determination, there is another numerous and important class of cases to be considered. You will recall that the United States Constitution places certain restrictions upon the powers of the States. (See page 194.) Suppose, for example, that a State passes a law which in reality takes a man's property from him without paying him justly for it. The national Constitution prohibits any State from passing such a law. You see at once, that a conflict arises between the law of the State and the Constitution of the nation. But the Constitution is the "supreme law of the land" and must prevail

over the State law. The situation is very complicated. How shall a man proceed who has been deprived by some State of a right in which he is protected by the national Constitution? This will depend somewhat upon the particular case. It is sufficient for you to know that ordinarily he will bring his suit in a *State court*, and there he will seek to maintain his rights under the national Constitution. If the Supreme Court of the State decides that he is *not* protected by the national Constitution, he then has the right to carry his case before the United States Supreme Court. This court has the power to determine the question finally, and the State is compelled to obey its orders. This is the usual method by which we may protect ourselves against the unlawful exercise of powers by any State.¹

171. How the Supreme Court protects the Constitution against Congress. We have just seen that the Supreme Court of the nation has the power to protect us against any State law that is forbidden by the national Constitution. This court also has the power to protect us against any law passed by Congress which is not permitted by the Constitution. As we have learned, Congress can exercise only those powers that are given to it either directly or indirectly by the terms of the Constitution. If Congress exceeds its powers under the Constitution, the Supreme Court will declare the law unconstitutional and refuse to enforce it. (See page 190.)

In this way the real principles of our federal government have been upheld, and the division of powers which the Constitution makes between the nation and the States has

¹The eleventh amendment to the Constitution of the United States prohibits any citizen from bringing in the national courts a suit directly against any State. The officers of a State may usually be prevented by the national courts from carrying out a State law which violates the national Constitution, but the State itself may not be sued.

been preserved. For whenever Congress has exceeded its constitutional powers, it has usually exercised powers properly reserved to the States. The Supreme Court has many times refused to enforce laws which were passed by Congress in excess of its powers.

172. How the law proceeds in the national courts. Cases are tried before the national courts in very much the same way that they are tried in the State courts. (See pages 128, 129.) Most of the cases in the lower United States courts are tried by juries. In a civil suit, there are lawyers on both sides of the case, who argue the case before the court. In a criminal case, the United States government is usually represented by an officer known as a United States *district attorney*. It is the duty of this officer to prove the guilt of the person accused of crime against the laws of the nation.

173. The national judges. In addition to the nine justices of the United States Supreme Court, there are in each of the nine judicial circuits from two to four circuit judges, and in each of the eighty judicial districts at least one district judges. All of these justices and judges are nominated by the President and confirmed by a vote of the Senate.

Unlike the President and Vice-President, United States judges hold office for life, or as the phrase goes, "during good behavior." This method of appointing judges for unlimited terms has one great advantage: once appointed, a judge holds his office quite independently of the President and Congress. He does not have to seek reappointment, and therefore he is not controlled by politics. He can perform the duties of his office with justice and fairness to all.

174. How the national officers may be removed: impeachment. Suppose a President of the United States, or a judge of one of the national courts, or some other officer

of the nation violates the trust imposed in him. Suppose, for instance, that he accepts a bribe, or betrays the nation to an enemy, or commits some great crime. Naturally the people would be unwilling to have such a man continue in office, and provision is made by which he may be removed. This is accomplished by convicting him upon what is known as *impeachment*. Impeachment is a kind of accusation brought against a public officer. It is similar in character to an indictment. (See page 130.)

The national Constitution gives to the House of Representatives the powers to impeach any officer of the United States. The senate is made a court for the trial of such an impeachment, and the officer who has been impeached can be convicted only by a two-thirds vote of the Senate. If convicted, he may be removed from office and forbidden to hold any office of trust in the future. After his removal, he may be tried by an ordinary court and punished like any other criminal.

The House of Representatives has rarely exercised this power to bring impeachments. You will recall that in 1868 President Johnson was impeached by the House, but the Senate failed to convict him on the charges brought against him. Only two national judges have ever been removed from office by impeachment.

QUESTIONS FOR CLASS DISCUSSION

1. Explain why the national courts are necessary, in addition to the courts of the States.
2. Describe the system of national courts in the United States. In what circuit is Alabama? What other States are in this circuit? How many district courts are there in Alabama? Find out, if you can, where these district courts meet. Why were the circuit courts of appeals established?
3. Have you ever seen the Supreme Court room in the Capitol at

Washington? If so, describe it. How many justices sit in this court? How often does it meet?

4. How are the national judges appointed? For what term? Why? Find out, if you can, the name of our present Chief Justice. The names of some of the other justices on the Supreme Bench. Find out, if you can, the names of some of the national judges who sit in the district and circuit courts in Alabama.

5. What two great classes of cases may be brought before the national courts? What cases come before the State courts? If you wished to defend some right granted to you by the national Constitution, how would you probably proceed? Who would determine your case finally?

6. Explain how the Supreme Court protects the Constitution against the States. Against the powers of Congress.

7. What is meant by impeachment? Why is it necessary? Who has the power to bring impeachments? How must the accused officer be tried? How may he be punished? Tell about the impeachment of President Johnson.

CHAPTER XXIV

HOW THE NATIONAL GOVERNMENT IS CONTROLLED BY POLITICAL PARTIES

175. Why political parties are necessary. We have already noted that very early in our history the people of the United States began to separate into political parties. Perhaps you may not understand why these parties are necessary. In carrying on the work of the government, important questions are constantly arising as to how the government ought to act in this or that matter. The people are interested in these questions, for the happiness of the nation often depends upon how they are settled. People usually differ in opinion as to what course the government should follow. The members of one political party want one plan adopted; the members of another party favor another plan. For instance after the Spanish-American War, not all the people in the United States were in favor of our taking over the Philippine Islands. One party desired the acquisition of the islands, the other party opposed it.

At the polls each party tries to secure the election of its candidates in order that its plans may be carried out. For the purpose of nominating these candidates and promoting their election, political parties have to organize. Thus we see that our government is controlled by organizations of the people known as political parties; but we must remember that these organizations are not a part of the government at all.

We have seen that in the State of Alabama each political party has its State and local committees, and that these committees provide for holding party conventions and party primaries, at which their candidates for State and local officers are nominated. (See pages 156-158.) Each party has also a national committee, composed of prominent party leaders in various parts of the country. This national committee has general supervision over the affairs of the party. Let us now see how each political party endeavors to get control of the national government.

176. The national party convention. The President and the Vice-President are the only executive officers of the nation who are elected by the people. In order that the choice of these important officers may not be left to the presidential electors, it is necessary that the candidates of each party should be nominated before the election is held. (See page 220.) These nominations are made by each of the political parties in their *national convention*.

In the United States there have usually been only two large parties. Some time during the summer preceding the presidential election each of these parties holds its national convention. The convention consists of delegates chosen by a party convention held in each of the States. (See page 157.) A State is entitled to send to the convention twice as many delegates as the number of its congressmen and senators.

On the day appointed these delegates, about one thousand in number, assemble in some tremendous hall in one of our large cities, and they proceed to ballot for a candidate for President and a candidate for Vice-President. In this manner are the party candidates chosen. As we have seen, candidates for presidential electors are nominated by the party conventions of each State. The electors who

are victorious at the polls must cast their ballots for the candidates for President and Vice-President nominated by the national convention of their party. (See page 220.)

177. The party platform. The national convention has one other important duty to perform. It draws up what is known as the *platform* of the party. This platform is a paper setting forth the opinions of the party on important questions in which the people are interested. It declares what the candidates of the party will and will not do if they are elected. Unfortunately these platforms usually contain promises intended only to attract voters for the party candidates. When the election is over, those who have been chosen to office do not always seek to carry out the promises which their party made in its platform.

The party platform is published in the newspapers throughout the land. It is freely discussed in the speeches that are made during the *campaign*, as the period preceding the election is called. Each party explains and upholds its own platform, while it opposes and denounces the platform of the other party.

178. How political parties control the national legislature. Senators and congressmen are chosen in their respective States. The nomination of party candidates for these offices is, therefore, controlled by the party organization within the States. Since senators are elected by the legislatures of the States, a senator will usually be a member of the party having a majority of the members of the legislature which chooses him. (See page 210, note.) Sometimes the choice of a party candidate for senator is left to the party members of the legislature; sometimes the party candidate is nominated by a State convention; sometimes he is nominated at a primary election. (See page 210.)

Since congressmen are chosen by the people in congressional districts, the party candidate for congressman is usually nominated by a district convention or at a district primary.

In one way or another, you see, the party manages to choose its candidate for every office before the election actually takes place. In this way the party is held together, for the voters do not scatter their votes on several candidates of their own party.

179. Who may vote in national elections. Our national Constitution does not lay down the qualifications for those who vote in national elections. This important matter is determined by the Constitution of each State, and different States require different qualifications. As a result of this, it sometimes happens that a person may cast a vote for President or for congressman in one State, although the same person might not be allowed to cast such a vote if he lived in some other State. But, as we have learned, the Constitution does place one restriction on the powers of the States in this matter. No State can deprive any person of his vote because of his race, color, or previous condition of servitude. This provision is found in the fifteenth amendment to the Constitution.

180. Our responsibility as American citizens. We have now completed our brief study of the government of our State and nation. We have necessarily omitted many points of interest in that study. But one thing at least our study should have made clear to us: that our government—whether national, State, or local—is established for the purpose of protecting and assisting us. In many ways the government affords us protection for our lives, our health, our property, our liberty; and in many ways it is

daily promoting our progress and happiness and providing for our welfare.

We have seen that we have in the United States a federal system of government—that is, a government in which the powers are divided between the nation and the States. We have seen how the governments of our State and nation provide in different ways for our protection and assistance, and how each of them is supported. We have seen how our State and national laws are made, how they are put into operation, and how they are applied. And finally, we have seen that both State and national governments are controlled by organized political parties. All of this complicated scheme of government which we have been studying has been established by the people of the United States in order that they may enjoy the benefits which it affords.

It is of great importance to each of us that we should fully realize our own part in this wonderful scheme of government. It belongs to *us*. Our forefathers created it, and we have preserved it. Whether our government is good or bad will depend upon you and me and upon all the other people of our State and nation. For this reason it is necessary that we should understand (1) why our government is maintained and (2) how it is operated. This has been the great purpose of our study.

Every day our government is settling important questions which, either directly or indirectly, are of interest and concern to you and me. These questions are discussed in our newspapers; they are the subject of conversation among intelligent men and women. Many of them can be understood by intelligent boys and girls. All of us should be interested in them. We should try to understand them. But we cannot do this unless we have taken time to study

the principles of our government. Let each of us bear in mind that the government will not run itself. If we stand aside, absorbed in our own affairs, and let the government take care of itself, it will surely fall into the hands of corrupt men, who will take advantage of the people's indifference and will use the people's money for their own ends. If we are to have good government, the people—that is, you and I—must understand the government. We must all be watchful, interested, and willing to lend a hand.

Do you ask how each of us can assist? We can study the principles of our government. We can study the questions which our government has to face. We can inform ourselves in regard to the candidates who are seeking office, so that we can cast our votes with intelligence. We can use our influence to get the best men nominated and elected. In peace or in war we can serve our country faithfully when we are called. We can pay our taxes willingly, realizing that they are necessary to the existence of the government. We can obey the laws cheerfully. We can be honest with our fellowmen. We can be energetic and industrious, and thus by our own progress promote the progress of our community. We can at all times be considerate of the rights of others. And in many other ways we can show our genuine interest in the government of our community, State, and nation. These are the duties which every good American citizen owes to himself and to his fellow-citizens.

In many respects the government of our county or city is closer to us than the government of our State, and the government of our State is closer to us than that of our nation. We must not be misled by this, for all of these governments are but the parts of a great whole. Each of them helps us in its own way. We should show our

interest in each, our loyalty to all. As Alabamians we should cherish a just pride in our noble State. But we should never fail to remember that the people of the United States are *one people*. You and I should be proud to feel that, above all else, we have the privilege and honor of being American citizens.

QUESTIONS FOR CLASS DISCUSSION

1. What are political parties? Why are they necessary? How do they seek to control the government? Do you know of any question on which our two great political parties differ at present?

2. What is the duty of the national committee of each party? Why is the national party convention necessary? How is it composed? What does it do?

3. Find out, if you can, when and where the last national conventions of the Democratic and Republican Parties met. What candidates were nominated by each convention? Which candidates were elected? For which candidates were the electoral votes of Alabama cast?

4. What is meant by the party platform? Who draws it up? How is it used?

5. Explain how the political parties in Alabama control the election of United States senator. How is this managed in other States? In these cases, do the members of the legislatures of the States have any independent choice? How are congressmen nominated?

6. Who determines who may vote in a presidential election? What qualifications must a voter have in Alabama? Who determined these qualifications?

7. Explain how our national, State, and local governments are really only parts of a great whole. To which of them do you owe loyalty and obedience?

8. Are you an American citizen? Do you regard this as an honor? Think of some of the ways in which you can show your appreciation of it.

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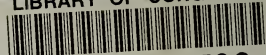
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